

COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

HEARING HELD AT 1235 BAY STREET,
TORONTO, ONTARIO,
ON WEDNESDAY, JANUARY 11, 1989

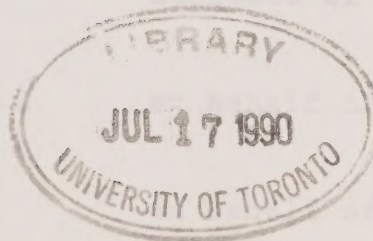
- VOLUME 2 -

B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

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THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

COUNSEL:

ROBERT ARMSTRONG, Q.C.
MICHEL PROULX, Q.C.
Ms. K. CHOWN

on behalf of the
Commission

5 EDWARD R. SOJONKY, Q.C.

on behalf of the
Government of Canada

THOMAS C. BARBER, Esq.

on behalf of the
Sport Medicine
Council of Canada

10 RALPH S. McCREATH, Q.C.
ROBERT L. FALBY, Q.C.

on behalf of the
Canadian Olympic Association

ROGER BOURQUE, Esq.

on behalf of the
Canadian Track and
Field Association

15 JULIAN PORTER, Q.C.

on behalf of the
College of Physicians and
Surgeons of Ontario

EDWARD M. FUTERMAN, Q.C.

on behalf of Ben Johnson

ALAN PRATT, Esq.

on behalf of Charles Francis

20 LORNE LEVINE, Esq.

on behalf of Dr. M. G.
Astaphan

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--- Commencing at 10:00 a.m.


THE REGISTRAR: This inquiry is now in session, please be seated.

5 THE COMMISSIONER: Will you turn the lights off, please. Will you turn the lights off, please.

This is the first public session of this Commission at which evidence will be heard. Before calling upon Mr. Armstrong and Mr. Proulx to open this
10 phase of the inquiry, I thought it might be helpful if I made a few preliminary comments as to the work of the Commission since our first public session.

On November 15th last I convened the first public session of this Inquiry, at which time I outlined
15 in some detail the terms of reference which is the subject matter of my mandate. I indicated the issues which I thought had to be inquired into by reason of the terms of reference. I made some comments on how I think a Royal Commission should be conducted.

20 Since I expect during the Inquiry I'll be asking counsel not to repeat themselves, I did not want to set an example myself. I do not propose today to repeat what I stated on that earlier occasion. The matters in issue which I indicated will be inquired into are being
25 pursued but I think it would be helpful for those who are



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not present who are now going to participate in the proceedings of this Inquiry or, indeed, for anyone who is to follow it, to obtain a copy of that opening statement so that you will be better aware of the progress of the Inquiry as we proceed along the path.

Although this is the first session of the Inquiry which evidence will be heard in public, it is not often understood that the calling of evidence at a Royal Commission is very much like the tip of an iceberg. That is, what is visible. But the real work of a commission is the vast amount of preparation which precedes the calling of evidence. I must confess that I had no idea of the enormity of the task which has been presented to us by this Order-in-Council and the amount of preparation has been one of extreme magnitude.

I am very fortunate in obtaining assistance from Mr. Armstrong, and Mr. Proulx. Ms. Kirby Chown has joined our staff as Associate Counsel. Ms. Chown is a graduate of University of Toronto Law School in 1981, called to the Bar and now is an experienced litigator in her own right. She's also the mother of seven year old twin athletes.

Robin Nunn is associated with me as my Director of Research on the Aviation Safety Inquiry which I had some years ago. I found him to be of enormous help

to me on that occasion and since that time he's now become a lawyer and he's been good enough to accept my request to join the staff in the dual role of junior counsel and Director of Research. Ms. Chown and Mr. Nunn have already
5 been of enormous help to us and I think to Mr. Armstrong and Mr. Proulx.

As you're aware pursuant to the terms of reference I was authorized to appoint an panel of advisors of medical and scientific experts. Since we last met,
10 I've been able to obtain the services of Dr. Sam Solomon of the Royal Victoria Hospital in Montreal. Dr. Solomon is a biochemist of international reputation with special expertise in steroids and he will join Dr. Laidlaw, Dr. Kuksis and Dr. Goode on my panel of scientific and medical
15 experts.

Mr. Hugh Fraser, a former Canadian olympic participant, the President of the Sports Federation of Canada heads the sports expert advisory panel, and through his good offices I've been able to have three outstanding
20 Canadians join that particular important sports panel.

Dr. Thomas Bedeki has agreed to serve and work with us. Dr. Bedeki is considered one of the founding fathers of the current sports administration system in Canada. He was instrumental in the establishment of
25 Sports Canada and the Fitness and Amateur Sports Director.

He has had extensive involvement in sport, both nationally and internationally, and is currently the Executive Director of the Canadian Association for Health, Physical Education and Recreation.

5 Dr. Bryce Taylor has also joined our sports panel. He has had long and varied experience in sports in Canada and abroad. He has served as a member of the recently included task force on sport established by the Government of Canada and is currently the Director of
10 Sports Administration at York University.

Dr. Wendy Jerome has agreed to serve with Mr. Fraser and his colleagues on my sports panel. She's been involved for many years with both the elite and recreational sports activities in Canada; an author of
15 some repute. She is a sports psychologist and is currently Professor at Laurentian University in Sudbury.

I'm indebted to each of those who agreed to work with us in this Commission and am encouraged by their enthusiastic response to work with us and their commitment
20 to work with the Commission. I must say that I'm very proud of the team that I've been able to assemble. The appointment of this Commission has attracted considerable national attention, which may be an under-statement.

It was established on the recommendation of
25 the Prime Minister of Canada because of the recognized

public concern as the use of drugs and banned practices intended to improve performance by our Canadian athletes. It is a matter of public concern and not merely concern of those who participate in athletic competition or are otherwise involved with it.

Athletic competition is a very important part of the culture of our society. It not only contributes so very much to the health of those who participate but also instills in them traits of character which are essential for them as they make their way into social life and business life in this community following their athletic participation.

Athletics encourage discipline, team work, comraderie, integrity, a sense of fair play and of moral values and equips those athletes with qualities of leadership for the future. Our young people look up to athletes, as do all Canadians, and we expect our athletes to set an example for them and for all of us. Athletic competition is a great resource for the vigor and the vitality of Canada.

Many of our leaders in political, economic and community life are former athletes. They have all benefited so much by that experience and many of them have approached me to express their concern that the use of drugs and banned practices threatens the very integrity of

sport competition and, if unchecked, could destroy it. Cheating is the antithesis of sports competition and encourages a lack of moral values.

5 We are living in a very competitive society and cheating in sports can only tempt those who do so to cheat in the competitive society in which they will participate following their athletic careers.

10 Another reason for the public concern and, in my opinion even more paramount, is the concern of the damage to the health of those who engage in the use of drugs and banned practices and who, I fear, are quite unaware of the physical harm which may befall them.

15 The appointment of this Commission has attracted not only national attention but international attention as well. Commission Counsel have already received a great deal of assistance from the source of the United States and in Europe as well.

20 Other commissions, or other studies of similar nature, are now being embarked upon. A standing committee in Australia is conducting a very much similar inquiry as we are here and arrangements are being made to exchange information with them, I hope which will help us, and perhaps we can contribute in some way to the success of their Inquiry.

25 We are monitoring other inquiries, as well.

On a government-to-government basis, the Government of Canada is cooperating with the provinces who are jointly, currently addressing this issue.

5 Internationally, Canada has, in the past, taken the lead to seek to eliminate the use of drugs for banned practices in international competition which I think is essential for its' survival.

10 We are now embarking on the fact-finding phase of this Inquiry. It's necessary to determine what has happened in the past and consider issues of responsibility in order to identify the problem areas further to find the issues and consider the resolution of those problems.

15 But it's not enough to concentrate on the past. Little would be gained if we have such a narrow focus. A Royal Commission, to be meaningful, must be constructive. It must look to the future because, in the end, our objective is to protect and advance the interests of our Canadian athletes, endeavour to provide for them a healthy climate in which they can participate in the future, both nationally and internationally, but in a manner consistent with the noble objectives of sports competition and preserving the great natural resource that sports competition affords for our future.

25 A word of caution. All the evidence cannot be

adduced at one time. It is a slow, methodical,
painstaking process which, on occasion, may appear to be
somewhat tedious but it must be done; it must be done
thoroughly and experience has shown that often evidence
5 led near the end of an inquiry casts new light at what has
been said before.

And so, it would be very unfair for anyone,
and it is improper for me, to arrive at any conclusions
about any issues or about any individual until all the
10 evidence is completed and we've had the benefit of
submissions of counsel. We must all keep an open mind.

These are serious matters which we are
considering. The reputation of many is at stake, as is
their future for athletic competition, and the Commission
15 cannot help but have an impact not only on the future of
individuals but on the future of athletic competition in
Canada internationally and on the great resource which, as
athletic competition, is available for us.

Thus, although this is not a trial and this is
20 not a courtroom, I am hopeful that these proceedings will
be conducted with the dignity and the courtesy so
characteristic of our court process, and in that way
provide an atmosphere for calm and considerable reflection
on the issues.

25 As I did state on an earlier occasion, it

would be wise in my respectful opinion, in fairness to all those who have an interest in these proceedings, for all those who appear as witnesses, or counsel, to confine their comments on the evidence and their submissions to the public sessions of this Inquiry and the presence of those who may be directly affected by what they have to say.

Now, before calling on Mr. Armstrong and Mr. Proulx to open this phase, could I please have counsel identify themselves so I can connect the face with the name?

MR. SOJONKY: Mr. Commissioner, Mr. Sojonky of the Government of Canada and with me from time-to-time throughout the Inquiry will be Mr. De Pencier and Mr. Prefontaine.

THE COMMISSIONER: Thank you.

MR. BARBER: Mr. Commissioner, my name is Thomas Barber representing the Sport Medicine Council of Canada. Mr. Robert Morrow will also be appearing with me from time-to-time.

THE COMMISSIONER: I know Mr. Morrow, Mr. Barber. Mr. Proulx, Mr. Armstrong, Ms. Chown, Mr. McCreath. I am sorry, who is sitting next to you, Mr. Nunn?

MR. NUNN: This is Ken St. Germain, one of our

investigators.

THE COMMISSIONER: Oh, yes, thank you. Mr. McCreath?

MR. MCCREATH: Ralph McCreath, Mr. Commissioner. I'm representing the Canadian Olympic Association.

THE COMMISSIONER: Yes.

MR. MCCREATH: And with me is Mr. Robert Falby.

THE COMMISSIONER: Thank you.

MR. BOURQUE: Good morning, Mr. Commissioner. My name is Roger Bourque. I am representing the Canadian Track and Field Association.

THE COMMISSIONER: Thank you. Anybody back there. Yes?

MR. LEVINE: Good morning, sir. My name is Lorne Levine. I'm an associate of David Sookram on behalf of Dr. Astaphan.

THE COMMISSIONER: I see a new face here.

MR. McCUTCHEON: McCutcheon, Mr. Commissioner. I appear to request standing to represent David Stein and and Andrea Stein.

THE COMMISSIONER: Yes, I understand. You've already been in touch with counsel. Welcome aboard, Mr. McCutcheon. Mr. Porter?

MR. PORTER: Good morning, Mr. Commissioner.
My name is Julian Porter. I represent the College of
Physicians and Surgeons.

THE COMMISSIONER: Thank you.

5 MR. FUTERMAN: Mr. Commissioner, my name is
Ed Futerman. I represent Ben Johnson. Lorne Lipkis will
be assisting me from time-to-time. I brought Karen
Koitsis along with me today.

THE COMMISSIONER: Thank you.

10 MR. PRATT: Allan Pratt, I will be assisting
Mr. Roy McMurtry, representing Mr. Charlie Francis.

THE COMMISSIONER: Thank you. All right,
thank you. Have I got the names of all counsel? All
right. Mr. Armstrong?

15 MR. ARMSTRONG: Thank you, Mr. Commissioner.
As counsel we thought it appropriate to do two things
before we commenced the evidence this morning.

20 First, we wish to report to you in a general
way what we have done on your behalf since last October
and, secondly, we wish to outline for your benefit and the
benefit of those parties present today the schedule for
the next several weeks and what it is we expect will
occupy your time and ours during that period.

25 In our work we have been guided by the terms
of the Order-in-Council appointing you as Commissioner on

the recommendation of the Prime Minister and by your instructions which are reflected in part in your statement made at our opening session in Toronto on November the 15th last.

5 Now, under your direction, Mr. Proulx, Ms. Chown and I, assisted by our Director of Research and junior counsel, Robin Nunn, have met with and talked to many people representing almost every facet of the sporting world.

10 The list of people we have met with and spoken to includes, first of all, the members of your advisory panel, the medical and scientific advisors; Dr. Jack Laidlaw, Dr. Arnis Kuksis and Dr. Robert Goode. Their assistance has already made our task easier.

15 We have met with representatives of the federal and two of the provincial governments and we, of course, will be talking to representatives of other provincial governments and presumably municipal governments as well.

20 Representatives of the Sport Medicine Council of Canada have met with us. We've met with Dr. Robert Dugal and Dr. Robert Masse of the INRS Laboratory in Montreal which is our Canadian IOC accredited lab. We've met with the Vice-President of the International Olympic
25 Committee, Richard Pound. We've met with a number of

people from the Canadian Olympic Association through the assistance of Mr. McCreath and Mr. Falby. We have met with members of national, provincial and local sporting organizations including, of course, the Chairman of our sports panel, Hugh Fraser of the Sports Federation of Canada.

In addition, we've met with academics from various disciplines such as physical education, the sport sciences and sport medicine to name a few. We've met with coaches including the President of the Coaches Association of Canada and a number and, most importantly, a number of olympic and other athletes.

Our work, so far, has involved speaking to people from all over North America and abroad, as you have already indicated. We have, as well, been conscious of your concern expressed in your opening statement as to whether in international competition our Canadian athletes are participating on a level playing field.

Like you, sir, we realized early in our work that we must be aware of the international dimension of the doping problem. And like you, sir, we are concerned to protect and further the rights and interests of Canadian athletes to be able to participate fairly in international competition.

Indeed, the first witness in this Inquiry will

give you the benefit of his considerable knowledge of what the situation is outside of Canada in terms of efforts being made to eliminate the use of prohibited drugs and banned practices from international competition. We will
5 throughout this Inquiry, continue to pursue whatever information is available as to the situation abroad.

In our work we have been assisted by the team of five investigators whose names you announced on the opening day with the addition of Officer Lafrance of
10 the RCMP in Montreal and together with our investigative team we have been investigating the facts and circumstances into the alleged use of banned drugs by Canadian athletes who were to, or did, participate in the Seoul Olympic games as directed by the Order-in-Council.

15 As you did, initially, Mr. Commissioner, we have met informally with counsel for the individuals and organizations to whom you have granted standing before this Inquiry and Mr. McCutcheon latterly as well.

Mr. Proulx, Ms. Chown and I have been grateful
20 for their co-operation and genuine desire to see that you have before you all the evidence and information necessary to fulfill your mandate and we look forward to their continued co-operation.

Today, sir, we begin Phase I of the Inquiry.
25 The purpose of this phase is to explain the sport system

in Canada and abroad, to identify the drugs and banned practices that are the subject of your deliberations and the rules which relate to them and some of the issues which you may wish and ought to consider.

5 Our first witness will be Lyle Makosky, Assistant Deputy Minister of the Federal Ministry of State for Fitness and Amateur Sport. We anticipate that Mr. Makosky will identify the various sport organizations, internationally and domestically. We expect he will
10 describe the role of the federal government in sport.

 He will then, as already indicated, give you an overview, I caution to say just an overview, of what has developed and is developing on the international scene in regard to the use of drugs and the formulation of
15 anti-doping policies.

 The second witness is Abby Hoffman, Director General of Sport Canada, a former Canadian athlete of great accomplishment and almost, until recently, a regular member of Canada's Olympic team. She will testify as to
20 the structure and organization of Sport Canada, it's role in doping control domestically and, as well, she will, we expect, give you the benefit of her considerable knowledge and expertise in the whole area of public funding of the sport system.

25 May I just say in this opening to both Mr.

Makosky and Ms. Hoffman and their staff how grateful we as
counsel are to them for the tremendous assistance they
have given us through their counsel, Mr. Sojonky, and all
of the members of their staff. We really invaded Fitness
5 and Amateur Sport and Sport Canada and I think they are
just going to be delighted to testify today to be rid of
Michel Proulx, Kirby Chown and Bob Armstrong. In any
event, anything we've asked for, we have gotten from them.

After Abby Hoffman, you will hear from Dr.
10 Andrew Pipe, Chairman of the Sport Medicine Council of
Canada's Committee on doping in amateur sport. We expect
he will tell you about the drug testing program and other
activities carried on by the Sport Medicine Council of
Canada.

15 Dr. Pipe, himself, has had extensive
experience in the area of drugs in sport and he will,
again in a general way we expect, tell you something about
the drugs, why athletes are perceived to use them, what is
known or perhaps, more importantly, what is not known
20 about some of their side effects.

After Dr. Pipe, we expect to call and
provide you with the benefit of the evidence of Dr. Norman
Gledhill, immediate past Chairman of the Sport Medicine
Council's Committee on doping in amateur sport. Dr.
25 Gledhill is Chairman of the Department of Physical

Education, Recreation and Athletics at York University.

Among his many areas of expertise is his research which he has conducted into blood doping which is a banned practice covered by your terms of reference and we expect that he will assist you and the rest of us with the knowledge and information which he has on blood doping.

After Dr. Gledhill we expect to call two witnesses from the Ontario Ministry of Tourism and Recreation: Mr. Robert Secord, Assistant Deputy Minister, and James Bradley, who will describe the Ontario province's involvement in the sports system from the point of view of both anti-doping and related issues such as funding.

Richard Pound, Vice-President of the International Olympic Committee will testify as to the organization and structure of the IOC. Mr. Pound has been one of those Canadians who has played a key role at the international level and within the Olympic movement concerning the banning of performance enhancing drugs.

We also expect to call, in Phase I, Dr. Roger Jackson, the President of the Canadian Olympic Association and a former Olympic gold medal winner. He will provide you, Mr. Commissioner, with the benefit of the position of the COA in regard to the matters that are the subject of this Inquiry.

And, again, may I just pause at this point to say that the kind of assistance already that we have received from Mr. McCreath and the members of the Olympic Association in connection with getting ready for this opening phase of the Inquiry has again been appreciated very much and again while our invasion wasn't quite as sustained and vigorous as it was on Sport Canada, it nevertheless, I'm sure, has been disrupting to the ordinary affairs of the Olympic Association and to Mr. McCreath's practice and we're grateful to them.

We think it important in Phase I of this Inquiry for you to hear from a representative of the coaching fraternity and we intend to call the President of the Coaching Association of Canada, Geoff Gowan.

Finally, sir, you will have in this phase the benefit of the evidence of Ken Read, one of Canada's greatest downhill skiers and a member of two Canadian Olympic teams. Mr. Read continues to be active in athletics. He is the past Chairman of the Canadian Olympic Association Athletes' Advisory Council which is the official voice of Canadian Olympic athletes.

He is presently a member of the IOC Athletes' Commission which is one of the major committees, as it were, of the IOC. There are only 13 members of that Committee from around the world and Mr. Read, as a

Canadian, has recently been reappointed to this body for a second four-year term. The COA Athletes' Advisory Council and the IOC Athletes' Commission, which is the international Big Brother as it were, of that organization of the Canadian organization have been vitally concerned with the issue of the use of performance enhancing drugs and we believe that you will find Mr. Read's evidence to be both useful and enlightening.

While he no longer is an active competitor, we believe that he clearly speaks on behalf of many athletes both in Canada and abroad and we look forward to what we believe will be the considerable assistance that he will be able to give to you in your work.

Now, sir, some of the witnesses in Phase I have some knowledge of the particular facts and circumstances of the disqualification of Canadian Olympic athletes prior to their competing in Seoul. Some, also, have knowledge of particular events relating to what transpired at the Seoul Olympic Games themselves which, sir, you are directed to inquire into.

Now, in accordance with what we understand to be your view and your direction, Mr. Commissioner, we will not direct questions to these witnesses on those matters in Phase I of this Inquiry.

THE COMMISSIONER: At this time?

MR. ARMSTRONG: At this time. However, these witnesses will be recalled at the appropriate stage in the Inquiry to deal with such evidence and make them available not only to you, sir, but to counsel who have particular
5 interests representing clients with standing so that they may have the opportunity to question them on those subjects.

I don't mean by having said any of this that there is a whole lot of evidence for any of these
10 particular witnesses to give but they have some, and it just seemed to us, and in discussing it with you, sir, in accordance with your view, we thought it appropriate to deal with that kind of evidence at the stage in the Inquiry when we deal with those particular matters and we,
15 in accordance with your direction, have discussed this with counsel before the Commission who have been granted standing and they have accepted that and are in agreement with your direction, I'm happy to tell you.

All of the evidence I have just outlined in
20 what we have called Phase I we believe will occupy you for the next eight days.

We will then recess for a few days while we set up for Phase II in Montreal and on February 1st in Montreal we will lead evidence from a representative or
25 representatives of the Quebec Provincial Government to

give you the same kind of assistance that we hope the Ontario government representatives will do and we will also, during the session in Montreal, lead evidence related to the sport of weightlifting and in particular those matters that you are specifically directed to investigate in your terms of reference.

We hope to commence Phase III of the Inquiry in Toronto on February 20th and there we will present evidence at that time related to the sport of track and field. During Phase III we will lead evidence concerning the matters you are directed to inquire into, specifically at the Seoul Olympic Games.

Mr. Commissioner, when we finish track and field we may invite, indeed request, that we take a break in order to prepare the evidence for the subsequent phases of this Inquiry which will deal with those other matters outlined in your statement of November 15th, 1988 and elaborated morning.

While we have done much already, we still have much to do. In the words of the poet Robert Frost, "We have miles to go before we sleep." We ask you, sir, and indeed the Canadian public whom you represent in this important Commission, to be patient with us. It is our pledge to you to leave no stone unturned. We will go where the evidence leads us.

You, sir, are charged with a great responsibility. You may wish to keep in mind as you go about your task the Olympic motto; "Citius, altius, fortius," faster, higher, stronger and, in particular, the last two words of that motto.

For we, as your counsel, hope at the end of the day it may be said of your work that you are able to reach higher in order to point the way for a stronger system of sport both here in Canada and abroad.

Maintenant, je vais passer la parole et la baton a mon collegue, M. Proulx.

M. PROULX: Monsieur Le Commissaire,

Avant d'entreprendre l'audition des t'emoins, il serait opportun qu'au nom de mes collegues procureurs de la commission, soit Maitre Robert Armstrong et Maitre Kirby Chown, je fasse le point quant au mandat que nous avons accompli jusqu'ici. En second lieu, tant pour votre benefice que celui de ceux qui sont presents aujourd'hui, il convient de preciser notre agenda pour les prochains jours.

A votre demande et suivant vos directives, les procureurs de la commission ont rencontre plusieurs personnes ressources qui etaient susceptibles de nous donner l'information la plus complete sur le milieu sportif.

Parmi ces personnes il y a:

1. Les membres du comité que vous avez formé groupant des experts médicaux.

2. Des représentants des gouvernements fédéral et provincial dans les disciplines pertinentes.

3. Des représentants du Conseil Canadien de la Médecine sportive.

4. Les docteurs Robert Dugal et Robert Masse du Laboratoire situé à Montréal qui voit à l'analyse des échantillons soumis au contrôle anti dopage.

5. Monsieur Richard Pound, un des vice-presidents du Comité International Olympique.

6. Des représentants de l'Association Olympique Canadienne.

7. Des membres des Fédérations ou des Associations Sportive nationales et provinciales.

8. Des experts de disciplines diverses.

9. Certains instructeurs et enfin.

10. Un grand nombre d'athlètes, ceux-ci ayant été principalement rencontrés par les enquêteurs de la commission.

Nous ne pouvons pas évidemment nous limiter au Canada dans notre recherche avec ceux et celles qui sont susceptibles de nous éclairer sur les sujets qui préoccupent la commission. Aussi est-ce pourquoi nous

avons déjà communiqué et aussi rencontré des individus
concernés aux États-Unis et comptons incessamment
poursuivre nos démarches dans d'autres pays. Nous avons
constaté très tôt que notre préoccupation devait
5 s'orienter bien au-delà de nos frontières.

A ce sujet, le premier témoin, M. Lyle
Makosky, témoignera relativement à la situation qui
prévaut à l'extérieur du pays et des efforts qui ont été
faits sur le plan international pour tenter d'éliminer
10 l'usage des drogues par les athlètes et assurer un
meilleur contrôle anti dopage.

Nous entreprenons aujourd'hui la première étape
des auditions.

M. Lyle Makosky, sous-ministre adjoint au
15 Ministère de la Condition Physique et du Sport Amateur
nous initiera à toute l'organisation du sport amateur et
précisera le rôle du gouvernement fédéral dans ce domaine.
Il témoignera aussi sur la dimension internationale du
problème.

20 Le second témoin sera la directrice de Sport
Canada, Mme. Abby Hoffman. Elle expliquera en quoi Sport
Canada est le pivot financier du sport amateur au Canada
et dans un deuxième temps le rôle de Sport Canada dans
toute la question du contrôle anti dopage. Nous
25 entendrons le docteur Andrew Pipe qui dirige, à

l'interieur du Conseil Canadien de la medecine sportive,
le conseil consultatif sur l'usage de drogues et le
controle anti dopage. C'est ce temoin qui de facon plus
specifique nous fera connaitre les raisons pour lesquelles
certaines drogues sont prohibees et decrira les procedures
de controle anti dopage.

Nous aurons l'avantage d'entendre le docteur
Norman Gledhill qui occupait precedemment le poste
presentement tenu par le docteur Pipe et qui
particulierement traitera de certaines pratiques
interdites aux athletes.

Jusqu'ici nous n'avons pas parle du mouvement
Olympique. Nous le ferons en faisant entendre M. Richard
Pound qui est un des vice-presidents du Comite
International Olympique et qui, a ce titre, elaborera
d'avantage sur toute la structure et l'organisation du
CIO. Pour sa part, le Dr. Roger Jackson qui est le
president de l'Association Olympique Canadienne precisera
la position de cette organisation sur les sujets qui font
l'objet de la presente enquete.

En terminant sur cette premiere etape des
audiences nous ferons entendre un representant de
l'association des entraineurs et enfin M. Ken Read, un de
nos athletes bien connus, qui fera connaitre le point de
vue de l'athlete sur les grandes questions qui nous

preoccupent.

Lorsque nous aurons termine cette premiere
partie, nous ajournerons quelques jours pour par la suite
reprendre les audiences le premier fevrier a Montreal ou
5 alors, nous procederons a l'etude du dossier des
halterophiles. Enfin, et ce sera la troisieme etape, nous
reprendrons les seances a Toronto le 20 Fevrier pour
aborder le sujet de l'athletisme.

10 MR. ARMSTRONG: Thank you, Mr. Commissioner.
As was indicated, our first witness is Mr. Makosky.

LYLE MAURICE MAKOSKY: Sworn

15 MR . ARMSTRONG: Before I begin, Mr.
Commissioner, I have here, for your assistance, a binder
of, I think, all of the Exhibits that we will be referring
to.

THE COMMISSIONER: Thank you.

20 DIRECT-EXAMINATION BY MR. ARMSTRONG:

Q. Mr. Makosky, first of all, if we could
take a moment or two with your curriculum vitae, which has
been circulated to counsel, the Commissioner has a copy
25 and I believe our Registrar has a copy. And before I take

him through his C.V., if I could ask that it be marked as Exhibit 1, Mr. Commissioner?

THE COMMISSIONER: Yes. The C.V?

MR. ARMSTRONG: Yes. Exhibit 1, my lord?

5

THE COMMISSIONER: Thank you.

--- EXHIBIT NO. 1: Curriculum vitae of Mr. Makosky.

MR. ARMSTRONG:

10

Q. Mr. Makosky, just briefly looking at your CV, your university education appears to have centered on Physics at the Bachelor's level at the University of Western Ontario and then Masters of Science in Nuclear Physics in the University of British Columbia.

15

And then, I understand in 1970/71, you entered the course program in geophysics for your Ph.D. studies at the University of Toronto, but somebody there is still awaiting your thesis?

A. That's correct.

20

Q. Then your career; since university days, you are a lecturer in physics at the University of Toronto in 1970 - '72. You were Executive Director of the National Association of Diving, Synchronized Swimming and Water Polo, '72 to '75. You were a National Executive Director of the Coaching Association of Canada from 1975

25

to '80. Vice-president of the Niagara Institute from 1980 to '85. Executive Vice-president of the same organization of 1986, and then you received your appointment as Deputy Minister, Ministry of State for Fitness and Amateur Sport from June 1986 to the present, is that correct?

A. Yes, Mr. Armstrong, as Assistant Deputy Minister.

Q. Sorry.

THE COMMISSIONER: He hasn't been promoted yet.

MR. ARMSTRONG: I apologize. I promoted him, did I?

THE COMMISSIONER: Maybe he's worthy of it.

MR. ARMSTRONG: I certainly am prepared to promote him. But, in any event, let's just hit a couple of the highlights on page 2. Under the heading "Sport Involvement", you were involved in swimming at high school at a significant level, and then at University you were involved in water polo, and, indeed, you are a member of the Canadian National Team Roster in 1971, 1972, and 1973 in water polo, is that correct?

A. That's correct.

Q. And then moving down the page, just to round it out, you have been a consultant to sport organizations on organizational development and strategic

planning; been an adjunct professor, York University,
Sport Administration Program, 1982 to '86, and you, as
well, from 1981 to 1986 were a Vice-president of the
Canadian Olympic Association?

5 A. That's correct, sir.

 Q. Fine. Now, at our request, I understand
that you and your staff have prepared a number of charts
in both hard copy and in overheads for the assistance of
the Commissioner and counsel present and I'd like to get
10 started right into the charts. You have one in overhead
entitled, "The National Sport Organization Family"?

 A. That's correct, sir.

 Q. All right. If you will just flash that
on, and before I ask you to take the Commissioner through
15 it, Mr. Commissioner, there is a hard copy of this.
Exhibit 2, please.

 THE COMMISSIONER: Fine.

 THE REGISTRAR: Exhibit 2, my lord.

20 --- EXHIBIT NO. 2: A chart entitled: The National Sport
 Organization Family

 MR. ARMSTRONG:

 Q. Thank you. Fine. Mr. Makosky, why don't
25 you just explain this chart to the Commissioner?

A. Thank you. Mr. Commissioner, the objective, I guess, in this first part is to describe the sport system and the sport community in Canada and internationally; who the players are, what their roles are and how they relate, how they derive their mandates and authority, and what their major purpose is.

I think it's fair to say that a Canadian sports system is really a product of two major frameworks that have shaped the direction of sport in this country.

One framework derives from the family of sport internationally, and the second framework derives from how Canada and Canadians have created their own particular system to meet our needs in this country.

This first overhead is an indication of the international framework that most of the countries in the world, in one form or another, tend to follow at the national and international level.

Let me focus in particular on the centre box, which is the National Sport Organization, because I think it will be the pivotal agency in all of the sport community description that I will undertake today.

The National Sport Organization of which in Canada there are currently, approximately, sixty that are recognized by the federal government, which is not to say there are not more sports, but there are sixty sports

which are made up of sixty-five national organizations that the Federal Government recognizes.

The act of recognition is based upon published and known criteria where a national sport body must, in fact, be present and receiving funds and active in a minimum of eight provinces, and have participating members approaching several thousand, and for several years now, the national sport body must also be incorporated as a national non-profit agency. These are the criterion for recognition. So there are currently sixty sports represented by sixty-five national sport organizations.

Q. Can I just interrupt you there? Maybe you're going to do it as you go through it, but I'm struck by the fact there's sixty sports and sixty-five organizations. How does that happen?

A. Well, two or three or four of the sports have different national organizations, differently constructed for, in some cases, women and men sports.

So that field hockey has a National Field Hockey Men's organization and a National Field Hockey Women's organization. There are two or three or four of this type that give an extra five organizations, but they still collectively still represent sixty sports.

Q. Thank you.

A. The mandate from these national sport

organizations is generally a product of three things, Mr. Commissioner. The first is that, historically, the sport body has generally devolved, if you will, or evolved from a bottom up process. That is, over a period of many
5 years, in some cases over a hundred years, a number of Canadians have come together to participate in the sport-formed local clubs and associations and eventually deciding to form a national organization. So a mandate of such a body is really derived from its members in the
10 first and fundamental sense.

Secondly, a mandate is given to a National Sport Organization by the International Sport Federation. The International Sport Federation in a single sport will only recognize one agency in a country to represent that
15 sport. So in the case of -- for instance, volleyball, the Canadian Volleyball Association is the only agency that the International Volleyball Federation will recognize.

The initials of the International Volleyball Association, for instance, is FIVB. Many international
20 organizations, their title is a French title, and hence the acronym is composed of french acronym initials. In this case, the Federation Internationale de Volleyball.

Q. Let me take an example of track and field. I take it that the National Sport Organization in
25 Canada for track and field is the CTFA, the Canadian Track

and Field Association?

A. That's correct.

Q. And the international body is what?

A. IAAF, The International Amateur Athletic
5 Federation.

Q. All right. Take the structure, as you've
described it, the Canadian Track and Field Association is
the only national sports organization in Canada recognized
by the IAAF?

10 A. That's correct.

Q. Thank you?

A. It is important to understand that this
does not mean that a national sport organization has an
exclusive monopoly over that sport in the country. Many
15 other organizations can undertake to co-ordinate and
develop or run development programs in competitions in
this sport. Often you will see that in recreational
agencies like YM', YWCA, recreational centres, etc.

They don't necessarily have to be a member of
20 the CTFA in order to do that, but if they wish to attend a
CTFA or Canadian Volleyball Association sanctioned event,
such as the national championships, and in particular, if
they wish to be a member of a team going internationally,
or indeed, as an individual to compete in an international
25 meet, they will have to be a member of the National

Association, a single one that has the mandate and licence, if you will, in Canada given to it by the international body.

Q. Right.

5 A. The third mandate that comes to a national sport organization, in addition to the membership, the International Federation's franchise, is the incorporation of the sport body.

10 All the national organizations that the Federal Government recognizes and relates to are incorporated nonprofit national agencies under Part 2 of the Consumer and Corporate Affairs Act. They have all letters patented in that sense and, generally speaking, most of them, if not all, are also considered to be
15 amateur athletic associations under the Tax and Revenue Act and are allowed to issue charitable tax deductible receipts.

20 Now, those letters patent generally outline and acknowledge that that agency has been established to promote, encourage and develop the sport in the country. And again, it's not an exclusive mandate, but generally speaking, Consumer and Corporate Affairs would not give such letters patent to another agency with the very equal or similar type of objects.

25 The National Sport Organization, generally

speaking, is constructed at the national level of the following parts. It would tend to be made up of ---

THE COMMISSIONER: Before you do that, I'm not clear -- what is the significance of federal recognition? You say these bodies are the only ones that are recognized by the Federal Government. What does that mean?

THE WITNESS: Yes, Mr. Commissioner. The fact that they are recognized means that they are eligible for federal financing through Fitness and Amateur Sport. It is not a criteria for the recognition by the international sport body.

THE COMMISSIONER: Thank you.

THE WITNESS: The pieces of the national organization at the national level, generally speaking, would be composed of a Board of Directors. That Board of Directors would likely be made up of directors of each of the subsections of that national body.

And again, generally speaking, the subsections of the national body would be the provincial sport bodies. So that the Canadian Amateur Swimming Association is made up of a number of provincial sections. There is an Ontario Swimming Association, a Manitoba Swimming Association, et cetera. And the representatives of those provincial bodies, usually the heads of them, would

represent the directors to form the National Board of Directors of the national body.

Within that Board of Directors, or separate from it, there's usually an elected, as well, executive committee that would meet more often to direct the major policy questions and priorities of the organization. The Board of Directors and the executive committee would all be volunteer.

Thirdly, it is likely that all of these organizations would have a national office with professional staff based in Ottawa at what had been, up until recently, been called the National Sport and Recreation Centre.

Mr. Commissioner, I'm pleased to note that, in fact, even tomorrow there will be an opening of the new headquarters of this agency, now to be called the Canadian Sport and Fitness Administration Centre, which houses these sixty or so sports and sixty-five organizations.

MR. ARMSTRONG:

Q. All right. And we're going to hear from Miss Hoffman about funding, but just pausing here, I take it that that headquarters, the building itself, and some of the staffing at least are all funded by your Minister?

A. That's correct. The pre-dominant amount

of the budget is currently financed by us to the tune of about five million dollars.

Q. Okay.

5 A. The national office staff generally would be -- would begin with an executive and technical director and a secretary. There would be probably be, I would group, I guess, the national sports into three sizes generally speaking. There would be a number of them, perhaps a third or more, that would be of the size where
10 they would have only three staff members, an executive technical director and a secretary.

Another 60 per cent, 50, 60 per cent that would have staff approximating five to eight people and, finally, a few associations numbering probably on one
15 hand, or a few more, that would begin to have numbers of staff up in the 15 to 20 to 25 size. So that is the nature of the National Sport Organization when you look at it only from the national perspective, Mr. Commissioner.

The role of the national agency -- and I'm
20 spending a little time on this because I think, Mr. Armstrong, this agency is quite important in this whole understanding of the sports system -- would be to develop national policy and programs for use by the provinces and the provincial sport bodies; to run all national and
25 international events in Canada, such as championships,

World Cups; to select and develop and be responsible for the national team, both at an individual and at a team level; to be the single agency representing Canada to the International Federation; to develop prototypes for the provinces to use in skill development programs; and to develop, what we'll call standards or certification criterion, for certain classes of officials such as a National Coaching Certification Program which is intended to provide a certification approach to certify coaches to a certain educational standard.

Generally speaking, the national body would also provide the program and the approach to certifying officials as well. They would also be responsible for determining the rules and procedures of the game and, to a certain degree, would be responsible for, although not exclusively, for what might be called the education on the ethical conduct of the sport that is shared at other levels.

Finally, if we then move down the page below the National Sport Organization and look at these other parts, Mr. Commissioner, this construct shows these agencies along the bottom in a horizontal pattern. Because of the fact that the construct in different sport organizations varies, there is no set pattern.

Generally speaking, the next subset under the

National Sport Organization tends to be the provincial sport body in which various clubs in schools and so on affiliate through the provincial body to the national. But, there are many agencies where clubs, et cetera, affiliate directly.

So, for example, the Canadian Figure Skating Association has 1300 clubs with approximately 160', 170,000 members, and those clubs affiliate directly to the national; they do not go through the provincial section, although there are directors representing provincial sections sitting on the national body.

On the other hand, the Canadian Swimming Association, all their clubs would affiliate through the provincial section to the national body.

So we have, in this case, a number of routes that the athletes and coaches can go, if you will, to reach their connection upwards.

Generally speaking, they become members of clubs or school-based teams. Generally speaking, those would be affiliated to the national body either directly through the province or directly to the national.

If we move up to the top of the page and begin to look at the international scene, again all speaking about this single sport family, whether it be volleyball or soccer or figure skating or swimming, you'd have a

number of what are called regional sports federations. This is not a necessary construct. It is, generally speaking, a somewhat infrequent but present construct.

An example would be that there is an
5 organization that groups national volleyball federations in North and Central America in volleyball so that they undertake tournaments and development programs amongst themselves.

And, in some cases, those regional sport
10 federations are responsible for playdowns to pick selections, to advance to a next level of world championships or an Olympics. It's not a necessary construct and not all that prevelant.

The primary agency I would want to speak to, I
15 think, Mr. Commissioner, is the International Sport Federation. Again, there is essentially for every National Sport Organization in Canada an International Sport Federation. There are, however, some exceptions as there always are in the construct of the sport system.

20 There are some sport bodies in Canada who are grouped under a single agency domestically to gain representation internationally to a single federation. An example would be FINA, the Federation Internationale de Amateure, which is the International Aquatic Body, and it
25 represents swimming and diving and water polo and

synchronized swimming, so there's only one body internationally. They will only recognize one body in Canada to deal with them.

5 So, in Canada, we have an agency called the Aquatic Federation of Canada that is an umbrella group of the four sports whose sole purpose is really to be the conduit to engage in business with the International Aquatic Federation, the international swimming body.

10 But that umbrella group has underneath it the four sport bodies that govern those four sports in Canada; the Swimming Association, the Diving Association, the Water Polo Association, the synchronized swimming.

15 Q. Again, I take it those are the exceptions? The typical case is the example that you and I discussed a few moments ago in the case of track and field where you have the CTFA relating directly to the IAAF which is the Athletics International Organization?

A. That's correct.

Q. All right.

20 A. The role of the International Sport Federation, generally speaking, would be responsible for conducting world championships, both awarding the bids to the countries and then being responsible for the necessary technical procedures and conduct of those championships, even if they are hosted and managed by a federation in a

25

country, which is usually the case.

The International Federation would be responsible for the same kind of standards, procedures and specifications of the conduct of World Cups and, et
5 cetera.

They would also be responsible basically for giving their approval, even if they did not have a direct relationship to all international events conducted by countries, that would involve more than one country in
10 competition.

They would also, generally, be responsible for certifying international officials to a certain level and indicating at what level they were able to, and if you will, licenced to officiate at the world level. And they
15 would be the major liaison to major games organizations.

On another chart, Mr. Armstrong, we'll look at, I think, that liaison in more detail. But generally speaking, when you look at agencies that run games internationally, such as the International Olympic
20 Committee running Olympic Games, or the Commonwealth Games Federation running Commonwealth Games, the liason to those agencies tends to be, generally, the International Federation.

THE COMMISSIONER: What are the major
25 international competitions; Olympic, Pan American,

Commonwealth?

THE WITNESS: Commonwealth, World Students' Games and now, about to be started in July for the first time, the Francophone games.

5 THE COMMISSIONER: Thank you.

THE WITNESS: I think those are the points I'd make on this chart.

MR. ARMSTRONG:

10 Q. All right. Then that's a good point to turn to the next chart and deal, indeed, in a little more detail with the question the Commissioner just asked you, and there is, then, an overhead entitled "Multi-sport Franchised Holding Agencies", and all counsel have a copy
15 of that, as do you, Mr. Commissioner?

THE COMMISSIONER: Yes, I have.

MR. ARMSTRONG: Exhibit number three

THE COMMISSIONER: Thank you.

20 --- EXHIBIT NO. 3: Overhead entitled: Multi-sport Franchised Holding Agencies.

MR. ARMSTRONG:

25 Q. Then why don't you just go ahead, Mr. Makosky, and take us through this chart, please?

A. Mr. Commissioner, I'd start by pointing out that successive charts will always show the National Sport Organization as the kind of central pivot point. I'll attempt to relate these other agencies to those organizations.

This then represents, in part, the beginning of the blend of the international sport family with the particular way that Canada has chosen to construct its sports system. Most of these agencies hold a franchise in Canada which basically has been granted by the international body. In some cases, it is a franchise which has been developed in Canada on its own, and I will point out each of those in turn.

We begin by the Canadian Olympic Association, and I'm sure you will hear in further detail testimony about the COA, so I will not go into much detail. Suffice to say that the Canadian Olympic Association is responsible for naming the Canadian Olympic team and providing the support system that takes the team to the Olympic Games, the mission staff that provides support at the games themselves. They also carry on other programs that I'm sure you will hear more about later.

The Olympics now are held every four years alternating -- well, up until this year, including this year they've been held every -- in the same year, winter

and summer Olympics. Starting in '92, '94 they will alternate.

The Canadian Olympic Association is also responsible for the Pan American Games which are games of all north, central and south American countries, but they are considered to be, if you will, under the Olympic family.

Q. Let me just, for a moment, to take you back to '92, '94, which games are going to be held in '92, summer or winter?

A. Both summer and winter will be held in that year and then there will be an additional winter in '94, and at that point the summer and winter will then alternate.

Q. I see. So with the additional winter games in '94, the next winter games is '98?

A. That's correct.

Q. The next summer games is '96?

A. Correct.

THE COMMISSIONER: I don't quite -- the first chart you see is COA, Olympics and Pan American. So the COA participated, as likely our the athletes, from the Pan Am games as well?

THE WITNESS: That's correct. They have the responsibility for selecting that team.

THE COMMISSIONER: For the Pan Am games?

THE WITNESS: Correct.

THE COMMISSIONER: Thank you.

5

MR. ARMSTRONG:

10

Q. Well, you just might explain that a little more. As I understand it, in a general sense, the Olympic organization, as it were, also takes responsibility for the Pan American games, or is that too much of a generalization?

A. Well, let me ---

15

Q. Well, I don't want to divert you. We'll be getting on to Olympic witnesses, but I guess I've lived with this enough over the last two or three months that I've come to think of the Olympic Games and the Pan American Games as being part of the Olympic family, but perhaps I'm wrong.

20

A. They are in a general sense that the teams to the Pan American Games are generally selected by the National Olympic Committees of the countries who participate.

25

However, the IOC, generally speaking, would not say that the Pan American Games are a specific construct of their development or of their family, if you will. They would recognize them as games generally of

Olympic sports, but there are some sports at the Pan American Games that are not Olympic, so it's a bit of a funny mix.

5 Q. All right. I'm sorry; I've just displayed a little of my abundant ignorance so you just keep going and I won't interfere.

 A. The next agency on the chart is the Commonwealth Games Association of Canada, and it is responsible for naming the team to the Commonwealth Games.
10 There is only a summer Commonwealth Games, only in individual sports, there are no team sports, and it is held every four years. The next games will be held in 1990 in New Zealand and the one after that, as we now know, have been awarded to Victoria, Canada in 1994.

15 The Commonwealth Games Association of Canada is a separate agency. It is separate from the Canadian Olympic Association. That is somewhat unusual. In many countries of the world, the Commonwealth Games Association is a subcommittee of the National Olympic Committee. That
20 is not so in Canada.

 And, generally speaking, CGAC is responsible essentially for naming that team. It does have some international involvements in attempting to aid the Commonwealth based sports in other countries within the
25 Commonwealth, unlike the Canadian Olympic Association

which has some more ambitious programs dealing with development of the coaches, et cetera, in Canada.

Both of these two agencies I have just spoken of are somewhat similar in the makeup of their membership, and that is that the sport bodies who are on the program of the games that they relate to tend to be the core voting members in the agency.

There tends to be a mix of other voting members. For instance, the Canadian Olympic Association has some, I believe, six categories of members, not all of them voting. But really the core voting members with the majority of voting power are the A members which are made up of the member's sports that are on the Olympic program of the Olympic Games.

Similarly with the Commonwealth Games Association, the sport representatives that are on the Olympic -- sorry, the Commonwealth program, internationally of games, are essential voting power in the CGAC.

Thirdly, we have -- the next box is the CIU, standing for the Canadian Intercollegiate Athlete Union. Its' relationship to the international games is to name and forward and support the world student team representing Canada to the World Students' Games, the FISU Games, which are held in summer and winter every four

years. So those make up the three major agencies relating to the three major multi-sport games.

Down below, Mr. Commissioner, under exceptions, I've noted the first one, and that is the
5 initiation of the Francophone games. It is a new construct; it does not follow the usual path in the sport system internationally, and its franchise, to the extent there is one, is really held by the Federal Government of Canada who are constructing a model for the naming of a
10 Canadian team to these games and putting together the mission that will support that team to those games.

In all cases that I've spoken of, all those four agencies and those multi-sport games, while the agency is responsible for naming and forwarding the team,
15 the agency that is responsible for giving them the names, if you will, is, once again, the National Sport Organization.

So it's fair to say that the Canadian Olympic Association can only pick team members for the Olympic
20 team from the team members advanced by the separate sports.

Now, the separate sports in some case may advance more names than the Canadian Olympic Association thinks are credible and they may restrict the list, but in
25 effect, they can't add to the list of the team; they can

only accept and reject names advanced by the national sport body.

So the Canadian Volleyball Association would advance their team that they propose to be the team to represent Canada to the Olympics and the Canadian Olympic Association would assess it and make a judgment and decide whether they're prepared to accept that whole team or whether they want different athletes, for whatever reason, if the quality they feel is not there. And similarly with the other agencies....

Q. So just that I have it, if, for example, the Canadian Swimming Association doesn't nominate Kirby Chown and I'm in the Olympic Selection Committee and I think Kirby Chown should be on the Canadian Olympic Swimming Team, there's no way I'm going to get her there?

A. In principal, yes. Because, in effect, the athlete's name has to be advanced as a card carrying member of a national body and the national body must authorize the athlete to advance internationally. If the national body chooses not to, essentially there's nothing that can be done outside of legal recourse.

Q. All right.

A. If we move into this middle box, Mr. Commissioner, we're dealing with agencies that are multi-sport in character, that have a franchise in Canada.

But I've placed these boxes here in respect of what they do within Canada, not internationally.

So the CIAU is really an amalgam of some 45 universities in Canada composed of five conferences, the Can-West conference; B.C. and Alberta; the great plains; Manitoba and Saskatchewan; Ontario is the third; Quebec, the fourth; and the Atlantic provinces, the fifth.

There are 45 universities in those five regions making up the five conferences that are the members of the CIAU and the CIAU, on behalf of those members, conducts national championships in eleven different sports; some for both men and woman, some for one gender alone. The National Board of Director's annual meeting, if you will, of the Canadian Intercollegiate Athletic Union; its voting power then is composed of those voting universities.

Each of those 45 universities carries two votes at the annual meeting to undertake the policy direction of the sport body.

The CIAU does not really, however, govern athletics within a university, nor does it govern, by and large, intercollegiate competition within a zone. They really are only there to govern the national championships in those eleven sports.

The next box is the Community Colleges

Association of Canada which is an amalgam, an umbrella agency, of all the various community colleges and they hold, similar to the CIAU, national championships in a few sports, I believe, in the neighbourhood of four or five at the national level.

If we move down to the next series of three boxes, Mr. Commissioner, we can talk about the other multi-sport agencies, and, first of all, we have the Sports Federation of Canada, and this is really an evolution that speaks, if you will, to the particular way that Canada has chosen to organize its sports system.

Many years ago, at the turn of the century, there was in Canada an agency called the AAU, the Amateur Athletic Union of Canada. And at a point in time the Amateur Athletic Union contained the National Olympic Committee of Canada. And at a point in time the National Olympic Committee was recognized by the IOC to be the national franchise holder, in fact, while it was still a subcommittee, if you will, of the AAU of Canada.

And, at a later point, this National Olympic Committee broke away in the 50's and formed itself as a separate agency and became the Canadian Olympic Association, retaining its franchise from the IOC, and at the same time, or shortly thereafter, the AEU became the Sports Federation of Canada.

As you know, Mr. Hugh Fraser is a member of your sports experts group, Mr. Commissioner.

An umbrella agency really exists to serve, I think, broadly speaking, two purposes. One is, it is a forum where national sport bodies can come together to talk about common concerns and common issues and exchange ideas.

Secondly, it is an agency which, in recent years, has undertaken advocacy roles on behalf of the sports system generally and with respect to conditions and elements that might influence or shape the policy environment of sport in this country, principally outside of the agency of fitness and amateur sport.

For instance, the Sports Federation has made representations before the CRTC with respect to the coverage of amateur sport on television. They have made representations before the tax authorities in Canada with regard to the Copyright Act, et cetera.

The next agency -- I should say that the Sports Federation of Canada has no international counterpart, per se. There is, I must confess, an international agency, that is a grouping, of sports federations of countries like this. But it has a fairly low profile, does not conduct programs or games, and meets somewhat infrequently. It's not really a strong agency

internationally.

So the Sports Federation of Canada's business is really, in Canada, assisting Canadian sport and it has no regulatory or franchise authority, the national sport
5 bodies really have no necessary step they must take with regard to the Sports Federation of Canada in order to conduct their business.

The next agency is called CFSOD. It's the Canadian Federation of Sport Organizations for the
10 Disabled. It's a disabled sports umbrella group. It is an umbrella group which has within four different subgroups; each one run by a separate agency, if you will, one for deaf sports, one for wheelchair, one for the blind, and one for disabled skiing in particular.

15 And most of those, all of those four sports, have an international games that they relate to. The Wheelchair Sport Federation, most famously noted as the Stoake-Manville Games handled in the United Kingdom. And so, Canada would send a wheelchair national team to those
20 games that would be approved by the wheelchair agency through CFSOD, et cetera. And they conduct sport development in Canada on behalf of the disabled sport in advanced teams to international games.

25 There is, as well as we know, usually in conjunction with Olympic Games, a Disabled Sport Olympic

Games. One was held immediately after the Seoul Olympics in Seoul several weeks later, and Canada is, in fact, a world leader in disabled sport, both in the programming and development of disabled athletes and in the performance levels that we reach at the international level, we're in the top three to five nations in the world in that regard.

And finally, Mr. Commissioner, on this page we come to the Canada Games Council. I've placed this here because it is an agency in Canada that runs games. It runs the National Multi-Sport Games of Canada. There is only one Multi-Sport Games.

And once every two years, alternating winter and summer, we hold a Canada Games with an average of 16 to 20 sports on the program. This summer, in Saskatoon, will be held the next Canada Summer Games, 1989. 1991 would be the winter games in Prince Edward Island.

And this agency is, again, an example of how we have constructed in Canada a particular approach to serve our needs, and it is a construct of the two government levels and of sport. So that the national governing council is composed of five federal representatives, five -- of the Federal Government -- five representatives of the provincial government and three representatives of national sport organizations.

THE COMMISSIONER: Are only Canadians eligible to participate in the Canada Games?

THE WITNESS: That's correct, sir. And the teams that go to Canada Games are provincial teams. They are funded and supported in part by the Federal Government and in part by the Provincial Government and, again, all of these athletes who would be members of these teams, as well as all of the rest of the teams -- I have noted above -- were, generally speaking, all be card carrying members of the National Sport Organization and it would have been developed through the National Sport Organization.

So, Mr. Commissioner, I think it's important to understand that none of these agencies on the left, on this centre of the page here, notwithstanding the fact that they are responsible for the naming and the forwarding of a national team or the conduct of the games, none of them are responsible for the development of athletes or coaches into a team. That role is reserved for the National Sport Organization.

So the Canadian Volleyball Association has a relationship with every one of these agencies in the respect of the roles that I have described in the last few minutes.

MR. ARMSTRONG:

Q. Just going back to the Canada Games for a moment, you indicated that the teams tend or, in fact are, provincial teams. Do any of the national team members from various provinces end up competing in the Canada Games?

A. The current criteria for Canada Games restricts the age and category level to the junior level because we wanted it -- it was a policy decision to make this developmental games on the way to the senior high performance level. So it tends to be at the junior high performance level and the age group will vary by sport.

Each Sports Federation would define what for them is junior and would indicate the parameters.

Q. What would the range of junior athletes -- what would the age range tend to be?

A. It would vary by sport, but generally speaking, you would find in the neighbourhood of -- well, some sports you get down as young as 12 years old. I think, generally speaking, 12 or 13 to 19 or 20 would be the range of the junior. I think those are the points that I would make on that overhead.

Q. All right. Then you have prepared for us -- your staff has under your direction -- a chart entitled, "Multi-sports Service Agencies and Governments",

and this has been circulated in hard copy. Exhibit 4,
please?

THE COMMISSIONER: Yes.

5 --- Exhibit NO 4: A chart entitled: Multi-sports Service
Agencies and Governments.

MR. ARMSTRONG:

Q. Thank you.

10 Again, why don't you start us through this
chart. Mr. Commissioner, I've had my eye on the watch,
but I'll await your direction.

THE COMMISSIONER: This might be a good time
to take a morning break. We'll rise for ten minutes.

15 --- Short adjournment

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25

---Whereupon the proceedings resumed.

THE COMMISSIONER: Mr. Armstrong?

MR. ARMSTRONG: Thank you, Mr. Commissioner.

5 DIRECT-EXAMINATION BY MR. ARMSTRONG:

Q. Mr. Makosky, we were just about to start your chart, which we've marked as Exhibit 4, entitled Multi-sports Service Agencies and Governments.

10 You are going to give us an introduction here, at least, of where the government fits into the pictures and related agencies?

A. Certainly.

Q. Thank you.

15 A. Mr. Commissioner, this particular chart, I think, is a significant example of the second major framework that has determined the shape of sport in this country.

20 You will have noted at the beginning I pointed out that the first framework is really derived from the international sports system, the single sport family.

25 In Canada we have developed some other agencies, some other approaches to tailor things to our needs and this overhead is virtually a Canadian designed type of hybrid to fit our needs.

I want to, again, point out the pivotal nature of the National Sport Organization, it is the key area that we want to keep as the source of all of this, and all of these agencies here, in a sense, on the right-hand side, not the provincial levels -- I'll speak to that in a moment -- but on the right-hand side of this chart are there to serve, if you will, the National Sport Organizations.

To begin with, at the top of the page, we have the Ministry of State for Fitness and Amateur Sport which has, as one of its divisions, Sport Canada which is the primary agency that relates to all of this system.

We have another division called Fitness Canada -- I'll speak to these more at another point -- which also provides some support services to the sports system but in relatively a minor way.

And we'll speak more about the Federal Government, I believe, later on, Mr. Armstrong. I won't dwell on that particular box.

Q. Yes.

A. The next agency is a product of rather a significant period and moment in Canadian sport history. In 1963 there was a national task force created called the Task Force on Sport. It produced its report in 1969 and I think most in the Canadian sport system would say

this is probably the most pivotal document in Canadian sport history and has largely led virtually to the creation of this whole page short of the provincial levels.

5 That document recommended that the Canadian sports system needed to be centralized, professionalized, taken off of the kitchen table and it needed to be served in a much more efficient manner by better centralized administration, by better coaching, by better information,
10 et cetera.

 And so, the Federal Government undertook to create what was then called the National Sports and Recreation Centre, I mentioned earlier, now called the Canadian Sport and Fitness Administration Centre.

15 THE COMMISSIONER: What was the listed date on that report?

 THE WITNESS: The report was tabled in 1969. It led to a policy document by the Federal Government in 1970 called a Sport Policy for Canadians which was the
20 government's response to the Task Force Report and indicated the government was prepared to undertake substantive change in the sport system in Canada, and as a result, created this centre. This centre is a---

25 MR. ARMSTRONG:

Q. Could I stop you there? Can you just tell us who is the Chairman of that task force?

A. Of the task force?

Q. Yes?

5 A. I can't --

Q. We'll get it.

A. I'm sorry, I can't remember. I know

Nancy Greene was on it and Doug Fisher. Al Ray -- Harold Ray of the Canadian -- formally of the Canadian Olympic Association was formally the Chairman.

10 Q. Fine, thank you.

A. The Canadian Sport and Fitness

Administration Centre is really the building and the agency that houses all of these national sport organizations.

15 Virtually all 60 of them are based there in addition to a number of other umbrella agencies that serve the sport system. They all have their offices there and they're served by a variety of professional services such as secretarial services, translation, telecommunications, printing, et cetera, et cetera. It was created in 1970.

20 The next agency, Mr. Commissioner, is called the Coaching Association of Canada. It also was a recommendation of the task force on sport. It also was created in 1971 and it is an agency, and I queue in on the

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word "Coaching" Association of Canada, not to be confused with the "Coaches" Association of Canada and in your list of people who will appear before this Inquiry, I believe that you will have the national president of the Coaches Association of Canada appearing before you.

The Coaches Association of Canada does not appear on this chart because it is a recent creation. It is not institutionalized yet as an organization. It is really a forum, a professional grouping of national coaches who meet to talk about common concerns.

This agency, the Coaching Association, was created to help develop coaches through better educational programs and it develops and manages at a national level major educational programs to aid in development of coaches in Canada. Notably, the national coaching certification program which is a joint program of the Coaching Association of Canada, the provinces and the national sport bodies and the Federal Government.

It's a five-level certification program which is there to educate coaches through aspects of the theory of sport, the technical aspects and the practical aspects. And at each of the levels, when a coach has completed these three aspects, the coach becomes certified, if you will.

There is however, no requirement for a coach

to be certified, generally speaking, to be part of the sports system. Although increasingly, the certification requirement is coming into play by some agencies and some sports.

5 For instance, it is now a requirement to be a coach of a provincial team to the Canada Games that you must be certified at a level two in order to be a coach.

 And increasingly, you will find national sport bodies saying that to be at a certain level of
10 dealing with national team athletes, they require their coach to be certified to a certain high level. It is not yet a requirement; it is individual choice by the national sport bodies, generally speaking.

 The next agency is call the Athlete
15 Information Bureau. It was created in 1975 to provide, basically, a media source of information to assist the media in obtaining and understanding background on high performance athletes in order that they could portray them to the Canadian public.

20 So the AIB has a photo database on all national team athletes. It provide services through columnists which they contract on overseas coverage.

 For instance, we will often see in Canada the coverage of World Cup downhill skiing meets over in
25 Europe. Very often, those media representatives, in the

print media who are covering those events, will have been contracted by the AIB to go over and provide that service and send the feed back to Canada.

They also developed TV and radio clips of short duration which promote the general background of athletes and are used, generally free of charge, are provided to stations across Canada as they approach major games, internationally, or major events to promote individual athletes, and it is an agency.

All of these agencies, I should say, Mr. Commissioner, were creations, by and large, out of the task force in sports and have been either initiated by the Federal Government or the Federal Government was a major player in helping to create them and the majority of their funds, almost without exception, is provided by Fitness and Amateur Sport.

The Sport Information Resource Centre is the next agency I would point to. This agency was created initially in 1973 as a program and a division of the Coaching Association of Canada and, in 1985, became an independent incorporated nonprofit body.

It, I think, is a Canadian success story, not very well known. It is now the largest database on the technical development and practice of sport in the world. It is recognized by UNESCO as the recognized world

database on sport in the English language, contains close to some 250,000 citations that are a product of the several thousand journals from all over the world and all languages that are indexed every day and every month by the staff of the Sport Information Resource Centre.

It's focus, I want to underline, is on the technical practice of sport as opposed to the keeping of records of performance or administration.

The Sport Marketing Council is currently an agency that was created in the last four years in 1985. The then government and ministry determined that the financing of sport needed to have a stronger champion, if you will, to assist in the development of further resources from the private sector, corporations and created the Sport Marketing Council.

It is a group of, as they say in the vernacular, a blue ribbon group of businessmen, senior businessmen from Canada, who provide voluntarily their time to assist the council to give advice on how more funds can be obtained from the private sector.

The Sport Marketing Council also provides services to the national sport organizations by assisting them to design a promotional package so they can go out and raise more financing in the marketplace. It is fair to say that the Marketing Council is a service agency

assisting with packaging and promoting but does not itself raise funds. It assists the sport bodies to raise funds.

The next agency I'm sure, Mr. Commissioner, you will be dealing with in great detail, because it's quite pivotal to this matter of drugs and sport, The Sport Medicine Council of Canada, I think therefore will speak only briefly of it.

It was created in 1978 as an umbrella group at the urging and insistence of the Federal Government of Canada, an umbrella group to bring together the four agencies that are listed underneath it.

CASS, the first box underneath, is the Canadian Association of Sport Sciences and it's an agency that looks at the development and practice of sport sciences in general, research that tends to be carried on in universities.

The box underneath that is the Canadian Academy of Sport Medicine which was actually another product of the task force report in 1969. It was the first of all of these medical-related agencies to be created and it was intended to bring together the sport practitioners in the medical field who provide sport medicine advice or services to athletes generally at the high performance level.

The upper right-hand small box, underneath

the Sport Medicine Council, is the CATA, stands for the Canadian Athletic Therapists Association and these are for athletic therapists, masseurs, et cetera, who provide services to athletes and teams throughout the country.

5 And the box underneath that, labelled CPA, stands for the Canadian Physiotherapy Association - Sport Physiotherapy Division. So, it is basically the Registered Physiotherapists as opposed to what might be called the non-registered or licenced athletic therapists
10 who are interested in and have their professional association to assist sport.

So, as an example of how these agencies relate, when the Canadian Olympic Association puts together its mission staff to support the Canadian team
15 that goes to an Olympic Games, it would generally go to the Sport Medicine Council to seek from its' roster of registered sport doctors, a group of doctors to accompany the team to provide medical support.

It would probably also ask the Sport
20 Medicine Council to reach into the CPA section to obtain some physiotherapist, through that agency, to accompany the team to the Olympic Games and, similarly, for other games and similar within Canada.

Q. Just stopping you there, a good example
25 of what you have just mentioned is Dr. Andrew Pipe, for

example, whose is, I understand, one of the official doctors to the Alpine ski team and the official doctor, or has been one of the official doctors, to the Canadian basketball team?

5 A. That is correct; that is correct.

 The next box underneath is called the Fair Play Commission. This was created in 1986 by the Federal Government. Again, it is a voluntary commission composed of about 15 Canadians from wide walks of life.

10 It was brought into play to address the question of ethics and fair play in sport. It's primary focus initially, Mr. Commissioner, has been on the question of violence in sport, primarily in the field of hockey, and its' initial phase of a year and a half had
15 launched a fairly major public service advertising campaign to address the question of hockey violence through posters and public service electronic advertisements.

 Recently, the decision of the Fair Play
20 Commission, some months ago, even prior to Seoul, has been to move into other areas affecting the ethical conduct of sport; notably, the question of doping in sport.

 So the Fair Play Commission has had discussions with the Sport Medicine Council, has formed a
25 joint committee to undertake now a major promotional,

educational campaign dealing with the ethical side and the fair play side of doping in sport.

Nothing to do with the testing because that's not the responsibility of the Fair Play Commission.

5 THE COMMISSIONER: Well, Mr. de Merode is the Chairman.

THE WITNESS: That's correct, sir.

THE COMMISSIONER: He's been in touch with us and I expect he will be called.

10 THE WITNESS: That's correct. So that right-hand side, Mr. Commissioner, represents the agencies that generally speaking are all centralized in Ottawa, again in that Canadian Sport and Fitness Administration Centre. They all provide services to the national sport
15 organizations.

Generally speaking, they do not have a provincial subsection, unlike the national sport organization that would have provincial sport organizations. These all exist only at the national
20 level, although some provinces may have some parallels to these agencies.

There are, in some provinces, a centre that houses provincial sport bodies and administration like the Canadian Sport Administration Centre. Some provinces
25 would have facilities that would provide some sport

medicine support, generally speaking, but it's not...

Q. Again, for example, in British Columbia, there is the Sports Medicine Council of British Columbia and, I understand, three or four other provinces either
5 have or are about to establish Sport Medicine Council bodies at the provincial level. Am I right?

A. That's correct, sir.

Q. Right.

A. If we then move, Mr. Commissioner, into
10 the lower left section of this chart, we can speak a little bit about the provincial level. And I'm sure that you have another representative from Ontario, I believe, who will give you more detail. Again, I will touch on this only generally and briefly.

15 The provincial governments, throughout all provinces and indeed territories in Canada, would generally have a ministry, either wholly or in part, dedicated to the field of fitness or sport or recreation, generally speaking, and those ministries would provide
20 funds and support to the sports system within the province.

They would relate to the provincial sport organizations, much like we do nationally to the National Sport Organization, that is the Federal Government, by
25 receiving from the provincial sport organizations,

submission to the provincial government requesting funding to run events at the provincial level, such as provincial championships and they would fund them. Those provincial sport organizations would probably be resident in an administration centre within the province, in Ontario, in B.C., et cetera, and they may be members of a provincial multi-sport federation, that is a grouping of all the sport bodies in the province, whose primary function is really to serve as a forum of those four bodies to come together and to represent themselves collectively from time-to-time to the provincial government.

And the models there can be quite varied in the province. So, for instance, in Manitoba, the Manitoba Sports Federation actually runs the administration centre, receives substantial monies from the West-Can Lottery and dispenses those monies to the provincial sport bodies.

Unlike in the case of Ontario, the Ontario government, itself, would direct monies to the provincial sport bodies and pay for the running of the administration centre.

So in order to understand the scale of this, somewhat, I can say that the right-hand side of this chart exists as a group of single agencies at the national level.

If you move to the next chart, the national

5 sport organization, you're now talking about 65 of these
boxes, Mr. Commissioner, across Canada based in Ottawa,
national sport organizations. Each one of those 65 would
tend to have ten provincial sport organizations, by and
large. So, you are talking about somewhere in the
neighbourhood of 600 plus sport organizations at the
provincial level across Canada, basical multiplier.

10 Q. Yes. Could I just ask you another
question? A bit of a non sequitur but, all of the
national sport organizations you have told us, or nearly
all I believe, are housed in this building in Ottawa at
the Canadian Sport Fitness Administration Centre and do I
understand that these other organizations, as well, on the
right-hand side of Exhibit 4, leaving aside Sport Canada
15 and Fitness and Amateur Sport, they all, as well, have
their offices located in the same building in Ottawa?

20 A. That is correct, sir, with one
exception; the Fair Play Commission, the secretariat for
that is housed currently in the Federal Government's
offices. All the rest is as you've said.

Q. Right.

25 A. Excuse me. It is important, Mr.
Commissioner, to understand that the relationship here
between the national sport organization and this
right-hand side is somewhat different than the

relationship on the previous page.

Where the national sport organization and the other agencies really had a relationship of advancing names of athletes to teams at the, and only at the approval, of such agencies as the Canadian Olympic Association, in this case, on the right-hand side the national sport organization in a sense is not really obligated, if you will, to function or carry on its business by connecting with the right-hand side.

It does so because of the services provided by those agencies and, in some cases, services that go beyond programming into financing but it is a kind of voluntary relationship but the relationship is nevertheless significant and strong and compelling.

Finally, I guess I would point, Mr. Commissioner, to the governmental linkage here. The dotted line across the top of the page and running down the left is to reflect that there is a liaison between the Federal and Provincial governments. That liaison exists at the ministerial level. There is an annual meeting of ministers of sport and fitness and recreation to look at, broadly speaking, Canadian policies that impact on both Federal and Provincial Governments to attempt to come to a common agreement on major priorities and any joint programs.

7
There is also, below the ministerial level,
working groups. At the officials level, there is a
Federal/Provincial deputy ministers group in sport and
fitness of which I am the federal member and co-chair that
5 group and there is a Federal Provincial Sport Committee of
officials composed of five provincial representatives and
three federal representatives which is co-chaired by the
Federal Government, in this case the Director General,
Abby Hoffman, and a representative from the provinces.

10 Finally, the last box I haven't commented on
is this box called High Performance Centres, Mr.
Commissioner.

High Performance Centres are a creation, if
you will, or a service and a funded service, created by
15 the Federal Government. There are currently some 81 in
Canada. They are really not centres in terms of bricks
and mortar that have been created by us but rather
concepts and places to train and focus national team
development and they represent models that the Federal
20 Government funds, sometimes exclusively, directly to the
national sport body. Sometimes, it's a partnership with
the provincial sports body. Sometimes it's a partnership
with the provincial government, sometimes with the
university.

25 So about half of those 81 performance

centres tend to be based in universities where the Federal Government has sat down and, in effect, cut a deal with the national body, the university and the provincial government to fund that centre, to pay for the training time or rental of facilities to pay for the coaches who may be there to pay for certain support services such as physiotherapists and doctors.

And it is at these centres, generally speaking, where national team athletes may be centralized or get special development. And they are centered all across Canada in virtually every province and they relate to the 60 or so sports in Canada.

Q. Could you give us an example of one? I think Abby Hoffman may well be dealing with this in a little more detail in her evidence but what, for example, might come to mind?

A. Well, at the University of Victoria there is a high performance centre there dealing with rowing.

Q. Yes?

A. In Toronto, for instance, there is a high performance centre in track and field at York University.

Q. Right.

A. There is a Volleyball High Performance

Centre in Winnipeg at the University of Manitoba or
Winnipeg, I'm not quite sure. These would be centres
where either the whole national team would be centralized
to train and work or parts of the national team would be
5 there for special coaching and special education.

Q. And we often hear, those of us who read
the sports pages dilingently, about our national team in
hockey operating out of Calgary. I take it at that this
is our hockey high performance centre there, is that
10 right?

A. Correct. Based, leading up to the
Olympics in the Father David Bower arena and working out
sometimes out in the Saddle Dome, there is an arrangement
there; that's correct.

Q. I think those are the points I'd -- all
15 right. Thank you, Mr. Makosky. Now, your next overhead
is a chart entitled, "National/International Linkages,"
and I'd ask Mr. Commissioner that that be marked as
Exhibit 5.

20 THE COMMISSIONER: Thank you.

--- Exhibit 5: Chart entitled National/International
Linkages

25 MR. ARMSTRONG:

Q. Fine. Would you just work your way through that for the commissioner, please?

A. Thank you. Mr. Commissioner, we can now ask the question; "How does all of this relate internationally?"

We've essentially been describing the sports system in Canada. I spoke a little bit about how the single sport agency, like volleyball, relates to its' federation but I've not painted the larger picture internationally.

Again, if we start with the national sport organization as the key point in these charts, we can see that it replicates the model that I showed earlier; that is to say, it relates to its' International Sport Federation; Canadian Volleyball Association is a member of the World Volleyball Association and in some cases there might be a regional sport body that is a subgrouping of that.

Similarly, the games agencies in Canada is of the domestic ones that are responsible for naming the team to a World Games are now the members of those World Games hosing agencies.

So the Canadian Olympic Association is a member, it is the registered National Olympic Committee of the International Olympic committee. So the International

Olympic Committee has really some 160 countries whose National Olympic Committees are the members of it.

It also has, separately, 93 or so IOC members that are appointed by the IOC to give advice, if you will, to the direction of the IOC.

And it is important to note that the national sport organization such as the Canadian Volleyball or the Canadian Swimming Association does not have, generally speaking, a direct relationship to these Games.

Its relationship is to its' International Sport Federation which has a relationship to those Games agencies or it has a relationship to the domestic franchise holder, such as the Canadian Olympic Association, which has its own relationship to those Games agencies.

So, similarly, the Commonwealth Games Association of Canada is a member of the international body. The Commonwealth Games Federation governs the Commonwealth Games. The CIAU is a member of the FISU Games organization that runs the World Students' Games, et cetera.

At the top side, you will see on the right here an agency called the General Assembly of International Sport Federations. This is a family

grouping, if you will, of all the international sport Federations. There is some 75 or so because it represents all Olympic as well as non-Olympic sports. It includes groups like sport parachuting and others that are not necessarily currently in the major Games family but all such international bodies tend to be a member of what the acronym is called GAISF or the General Assembly of International Sport Federations.

Now, this agency called GAISF does not run any games and it does not have any particular governing relationship with any of the other agencies.

The International Federations are members of GAISF but they have no requirement to be a member and by being a member GAISF does not have any particular authority over them.

It is not unlike, Mr. Commissioner, the situation in Canada where each of the national sport bodies are members of the Sports Federation of Canada. There is no requirement they be members. When they are members, there is no compelling authority they have over them. They group together for common concern and common advocacy.

The primary relationship at this international level tends to be that of the International Federation to the Games Federation. Because the

International Federation, in effect, sits down with the major games agency and negotiates its relationship to the games. So the International Volleyball Federation would sit down with the International Olympic Committee and talk about volleyball in the Olympics; how many countries would be allowed to reach finals, what the order of the Games would be. All the aspects with regard to volleyball being conducted in the National Olympic Games.

The IOC would have the right to say, that's too many countries reaching finals or that's too many final games, we're going to have to cut it down. It is that negotiation that adds and subtracts events to the games, from the International Federation to the IOC.

Similarly, the International Federation would, if you will, discuss with the IOC two other important aspects, currently: That of the question of eligibility of athletes. What previously we, in sport internationally and domestically, would call the definition of amateurism is no longer a definition that's used in the IOC's charter and handbook. They no longer attempt to define amateurism; they define, instead, the question of eligibility. And they say who is eligible to participate in the games.

The second thing the IOC says, is they will leave the definition of eligibility to the International

Federation and that will be a matter of negotiation.

So that you see, Mr. Commissioner, an interesting and rather compelling transition in the evolution of the valleys of sport. Where previously the IOC had a rigid definition of amateurism and each international body had to obligate itself to follow that and could not advance athletes unless they indeed followed that and famous historical precedents where track athletes in a country would go into professional football and would automatically would lose their eligibility for track and not be able to attend Olympic Games.

That situation has changed. Now, the IOC has said we will talk about eligibility and the International Federation can define eligibility.

So, in the case of hockey, the International Ice Hockey Federaton, the IIHF, has defined a model for eligibility which allows professionals.

This was the famous fight that Canada fought to have the IIHF broaden its sense of who was eligible to allow professionals.

As a result, we have so-called professionals competing in the Olympics because the IIHF has defined it that way and the IOC has agreed.

THE COMMISSIONER: That's the same as the case of tennis?

THE WITNESS: That's correct, sir. That's exactly what has occurred. So, the question for the future what how far this what will go and what will be the mix of professional and amateur and how many International Federations will begin to open up, if you will, their definition of eligibility.

MR. ARMSTRONG:

Q. Let me ask you this; does the IOC put any qualification on it? In other words, does whatever the International Tennis Federation says about eligibility, that determines the issue?

A. No. There is some level of qualifications, the nature and detail of which I think I should leave to, perhaps, the IOC representative. I do know that there is some qualifications.

Q. All right.

A. So that's one major aspect that's part of the relationship between the International Federation and these major games organizations.

The second major aspect is the number of events and the scope of the events held in the games, I've mentioned that already, and the conduct of those events, in a technical manner, in which officials shall be appointed to run the technical governing of those Games

and, generally speaking, the International Sport Federation would appoint and delegate the major senior technical officials, the judges, those that adjudicate appeals, et cetera, within the technical running of the Games would be a matter of authority of the International Federation and they would appoint them from a representative group from around the world, whereas the minor officials running the Games would usually be developed and presented by the country hosting such games.

The fourth major aspect would be in the question and the conduct of doping and doping controls, and I'm sure you will get into this in much greater detail on other occasions, Mr. Commissioner.

Let me simply say that in a basic sense, the IOC dictates that the rules by which doping controls will be managed and arranged in the Olympic Games are set according to a protocol they have developed and according to a list of banned substances they have developed and there is -- some discussion and negotiation goes on with the International Federation because, in some cases, the International Federation may have or may wish to test for some elements that may not be on the IOC list. This is a very exceptional and small circumstance.

An example I could point to is that the International Shooting Federation, during the Games, asked

to have tested for presence of alcohol because it has a particular effect on the performance during the games, whereas that is not a banned substance in the IOC list.

So, there are those small exceptions. So,
5 there is a kind of final discussion between the IOC and the International Federation to make sure everyone understands the conduct of doping and what's on the list and what people are being tested for.

THE COMMISSIONER: Does alcohol help in the
10 shooting expertise?

THE WITNESS: Purportedly. Purportedly,
yes. Tends to calm the -- something or other.

MR. ARMSTRONG:

15 Q. There seems to be a different approach, so far as the technical rules of the sport are concerned. It's not just how a particular game is run and organized; the International Federation determines what those rules are even for the Olympics?

20 A. That's correct.

Q. But when it comes to the issue of drugs and doping at the Olympic level, the International Olympic Committee says these are our rules and you'll abide by them with the exception of the example and perhaps others
25 that you give?

A. That's correct. And in matter of other international games, it's less standardized, I would say, and less clear. The Commonwealth Games Federation would generally tend to use the IOC and tend to follow the IOC protocol list.

It's really only in recent years where the application of this specific protocol and the use of IOC labs and that testing list has become more formalized, I guess, and it's, therefore, not necessarily a standard -- exactly the same approach in other multi-sport games as it is in the Olympics.

Finally, we can turn to the -- I just described, if you will, Mr. Commissioner, the kind of extension of the sport family in Canada, the non-governmental part of the sport family, internationally.

I'd now like to turn to the right-hand side of the chart and talk about how the government aspect of sport in this country relates internationally.

And, generally speaking, we don't really have the kind of organized framework like the sport community has. We have both informal and, generally speaking I guess, many more bilateral relationships, government to government, than we have major and multi-lateral kinds of agencies.

So, that you see on the right-hand side,
I've noted here, really by way of example and information,
rather than sort of formal charting, the kinds of
relationships the Federal Government would have in a
majority sense.

Canada is a member of UNESCO. UNESCO has
within it a division dealing with sport and physical
education. There is an inter-governmental committee of
some 30 nations that rotates its membership. Canada has a
seat on that inter-governmental body that meets from
time-to-time, every other year or so, which looks,
generally speaking, at the practice of sport and physical
education in the world.

I would say the general focus tends to be
more on physical education than sport and more on mass
sport and what in the world level is called sport for all,
the development of mass participation than it is on high
performance sport.

And the UNESCO body, at the ministerial
level, has really very little connection or infrequent
meetings. There was a substantial and significant meeting
held, that I'll comment on later, in Moscow in December
that was only the second meeting in history of the UNESCO
Ministers of Sport and Phys. Ed. of the world, some 117
attended that.

But, Canada does have a seat in UNESCO on the Sport and Phys. Ed. Inter-governmental group, and we do sit there and provide assistance and advice to the development of those aspects internationally.

5 But that group has very little connection with the rest of this system. There has been recently, and from time-to-time, a kind of courting that has gone on between the IOC and UNESCO. In fact, as recently as the meetings in Moscow, the IOC and UNESCO were, in
10 discussion, they're attempting to work out some sort of a framework agreement that would develop a relationship and my understanding is those discussions are still being pursued currently with no announcement.

15 The next agency I pointed out to you is quite pivotal to Canada's international involvement, as far as a government goes, on anti-doping and that's the Council of Europe.

20 The Council of Europe, Mr. Commissioner, is a grouping of some 21 western European countries. It's supreme body, if you will, is called the Committee of Ministers which are the foreign ministers of those 21 nations. They receive recommendations and agreements, charters and, indeed even conventions, effecting various aspects of those 21 countries, principally on the
25 non-economic side.

It's not like the European economic community, they do not deal with economic and trade matters. They do, however, deal with questions of education and sport and culture and human rights. The European Charter of Human Rights, quite a famous charter, was a product of this Council of Europe.

There is a division for sport and this Council of Europe has headquarters based in Strasberg and the sport agency has a committee and a staff and it meets from time-to-time and it has a subcommittee dealing with anti-doping, among many issues it deals with in sport and the European theatre.

And at a later point I'll point out, Mr. Commissioner, how Canada came to be an observer and a pivotal member of that Council of Europe Committee.

Thirdly, is what I've identify as the Socialist Ministers of Sport. Why I identify this is because it's outside of the Council of Europe, as far as we know, the only other, outside of UNESCO, the only other grouping of sport ministers in the world.

It has been pivotal in recent years o Canada's attempt to form a bridge, if you will, in our own small way between west and east and to form, in bringing to the table I guess, a better level and channel of communication between the Socialist countries in sport

and, in particular, in doping with the west.

there have been, in recent years, several meetings of the Socialist Ministers of Sport which have produced appeal statements that they have made public which we, in Canada, have used to build further work of involvement and we have met with this group on at least one occasion in the last year and a half.

And finally, I've pointed to government to government bilaterals. Canada currently has, I believe, six agreements with other countries; namely, the Soviet Union, the German Democratic Republic, the People's Republic of China, South Korea; Hungary, which I believe has just expired, is up for renewal, and Czechoslovakia.

And we had a recent one with Cuba which also expired and is up for renewal.

These agreements are country-to-country agreements. They are signed with the agreement and approval of the Department of External Affairs. They generally bear upon matters of relationship in sport and fitness, primarily sport, between the two countries.

They generally provide for the ease of exchange of teams and athletes to train in each other's country and enter competitions under a financial framework and an exchange agreement and they provide for, from time-to-time, the provision of joint talks and matters of

concern.

And in recent years, I will point out later,
that the Government of Canada has included in these
bilateral agreements, the specific aspect of anti-doping
and anti-doping discussions.

And, finally, the small box is to simply
note when the Federal Government acts internationally, we
do so from time-to-time in concert with and with the
advice of external affairs because sport policy,
internationally, has a relationship to foreign policy and
does bear upon some matters that External Affairs has a
relationship to and, as a result, two years ago the
Federal Government launched an International Relations
Unit within Fitness and Amateur Sport to give specific
guidance to the Federal Government's involvement
internationally in its sport relationship and it does so
in conjunction with the External Affairs Department.

So, I've painted this picture to show that
both the, what I'll call the voluntary, non-government
sport community, has a whole international family it
relates to and the Government of Canada, through fitness
and amateur sport has a less structured but, nevertheless,
significant international family of government agencies
that it relates to.

I think those are the matters I would point

to.

MR. ARMSTRONG:

Q. All right. Finally, I think you've put
5 this all together for us in one chart. In other words,
Exhibits 2 through 5 we find on this next chart which I
would ask ---

THE COMMISSIONER: Exhibit 6.

MR. ARMSTRONG: ---Mr. Commissioner, if we
10 could have this large version of it -- it's differently
constructed but exactly the same information is there and
it may be useful through the course of our hearing to have
that available in the hearing room and I would ask that it
be marked as Exhibit 6-A and then the individual might be
15 marked as Exhibit 6-B.

THE COMMISSIONER: Very well.

--- EXHIBIT 6-A: Large chart

--- EXHIBIT 6-B: Individual chart

MR. ARMSTRONG:

Q. All right. So, I don't know, Mr.
Makosky, whether you want to say anything more than I've
just said. It's an amalgamation, clearly, of all of the
25 charts that we've just gone through.

A. Perhaps, Mr. Armstrong, I make only one comment. Having seen this all in one place, one is probably struck by both the complexity and the enormity.

Let me give you some sense, at the same time as the sense of its largeness, the sense of what the scale of the physical plant is like that runs all of this. I will give you simply one statistic.

that is to say, if you look above the provincial line at the system in Canada and below the international line; that is to say, all of the agencies on the left centre, multi-sport agencies, and all the agencies on the right centre, multi-sports service agencies, and add to that, the centre boxes, some 65 national sports agencies, if you add that all up, that is run, by my recent count, by less than a thousand people, full-time staff.

Approximately 900 staff members make up the staff, including the nationally paid coaches that work ---

THE COMMISSIONER: Excuse me. It's my fault. I think you lost me. What group are we talking about now, on that chart?

THE WITNESS: Yes. If you look at, essentially, the centre part of the sport community in Canada composed of the boxes on the left side from COA down to Canada Games Council and the right side from

Fitness/ Amateur Sport down to Fair Play commission.

In the centre you took those national sport organizations and imagined that there were 65 of them, that whole slice I've just described, is run by a national staff of approximately 900 people. There are, of course...

MR. ARMSTRONG:

Q. So what you're doing is adding up the staff of each one of these individual organizations on the left and right-hand side as defined and then the staffs of the 60 national sports organizations and saying that the total of that is roughly 900?

A. That's correct.

THE COMMISSIONER: Would that include volunteers?

THE WITNESS: No, that would be all full time paid staff, the vast majority of which would be funded through financial contributions from Fitness/Amateur Sport. All of those agencies I've mentioned would have all volunteer, by and large, Board of Directors, some ten to twenty people.

There are really scores of volunteers that make up the national running of all these agencies and, of course, when you get down into the provincial levels and

local levels, you're talking about ten of thousands of volunteers who are responsible for the management of the sport and the running of competitions and et cetera.

5

MR. ARMSTRONG:

10

Q. Now, when we, as Commission Counsel first met with you, I think early in our discussions, one of the questions we asked perhaps a little too early but it was, how does the athlete relate to all of these organizations and I think and believe that you tell us that in a sense by your next chart which is entitled, "An athlete's Life Path Through the Sport Community," and could we have that, Mr. Commissioner ---

15

THE COMMISSIONER: Before you do that, may I ask Mr. Makosky a question?

MR. ARMSTRONG: Yes.

20

THE COMMISSIONER: Have you any idea of the numbers that we're talking about? That is, athletes, administrative officers, supervisors? What's this population that you're dealing with?

THE WITNESS: Yes.

THE COMMISSIONER: That's putting them all in.

THE WITNESS: Yes.

25

THE COMMISSIONER: Including the volunteers

and the other people that assist in the organization.

THE WITNESS: I would undertake to get you that information in more specific detail. I can tell you that at national level those athletes that are -- what are
5 called carded athletes, we'll call it the national team collection in all those sports, numbers some 900 as well, those are carded athletes.

However, sport bodies have a much larger vast numbers that are registered members and some are
10 quite large. The Figure Skating Association is around 175,000 athletes that are members. Others are smaller in several thousand. I will undertake to get those numbers, but it is ---

THE COMMISSIONER: I'm not just talking
15 about carded athletes, I'm talking about the whole sports population in Canada?

THE WITNESS: Yes. In general terms it runs in the millions.

THE COMMISSIONER: In the millions?

20 THE WITNESS: In the millions. I would undertake to get you a better sense of the numbers in the pyramidal fashion.

THE COMMISSIONER: Thank you. All right.
I'm sorry, Mr. Armstrong, you can proceed now.

25 MR. ARMSTRONG:

Q. Not at all. If, Mr. Commissioner, we might have this next chart marked as Exhibit 7, I think you'll find it quite helpful.

5 --- Exhibit 7: Chart

MR. ARMSTRONG:

Q. Fine. Mr. Makosky, will you pick an athlete or be an athlete and tell us how he relates or she relates to all of what you and I have been discussing?

10

A. Mr. Commissioner, the purpose here, I think, is to talk about what all of those previous charts have to do with an athlete, and most athletes in this country would not either be aware or understand most of that, and this is an attempt to understand how the athlete would come in contact with various agencies at different times and what services would be provided at different levels through different sources.

15

And I don't want to scare you. This will not be a full life's path; it will rather be a brief synopsis of various touch points of the athlete.

20

I start by pointing out in the upper right corner, and I realize that the printing here is hard to see -- it's smaller on the overhead -- but size, in terms of getting all the information on here, made it difficult.

25

Athlete Related Services; at one point or another in the athlete's life path through the sport community they would have some relationship to becoming a member; i.e., membership and being eligible for certain activities and events. They would receive coaching. They would be part of competitions that would be subject to officiating and judging. They would have facilities that would be rented or paid or they would contribute to them. They would engage in competitions.

Later, at higher levels, they would have provided them certain sport science and medical support. They would receive funding as an individual or through their family or club. They would be part of a promotional exercise that might promote as them as an individual or their team or sport.

They would be part of, from time-to-time, sessions and in an environment they would attempt to lay out the rules of the game and the ethical conduct of it.

So if we try to take how an athlete might progress through the system and begin by noting that a young athlete, who would probably learn their basic skills often does so in a school or local recreational centre or YM, YWCA, at that point in a time would probably not be connected with any of the system that I've described. It's done through a local recreational centre, skills

provided in schools.

Some of those schools may have gotten some of their technique manuals and guidance from a national sport body through that system, but not necessarily and not necessarily often.

Secondly, as the athlete, having learned how to kick the soccer ball, wants to compete in soccer and other such things, would begin to become a member of teams and get into advanced skills and competitions and would likely do through the school that the person is based in or local clubs.

At that point, it's quite possible that the athlete would not -- still not have could come in touch with a provincial sports body. It may or may not. At some point in this development, and it varies, the athlete would begin to take part in competitions within the province, if you will, outside of a local community or across the community with other cities. It might do so with schools, with university competition, with clubs and independent teams, and when this happened the athlete might, at that point, become a member of the provincial sport body, receive a card to become a member and begin to access the services of the provincial sport body and the provincial government.

Those services would likely be in the area

of coaching, officiating and the provision of facilities and competitions.

At some later point when, after provincial competitions within the province one would get, if you will, good enough to be a member of a club team, or as an individual, go to a provincial level championship.

And the province championship, if it isn't a single sport, is likely at that point to be run by a provincial sport body, sanctioned by them and only athletes who are registered members could participate in them.

There is, however, the school stream which tends to continue to operate, if you will, somewhat independently, and many high schools and universities will have events at a provincial championship level where the provincial sport governing body is not involved. They may have sanctioned the event, but they may not be conducting it and the athletes who are there are not necessarily card carrying members of it. If they are outside of the school system in the club system they are almost an exclusive part of the provincial sport governing body system.

Later on, at some point, the athletes, having been to a provincial championship, may be selected to represent the province as a member of the provincial team, such as in going to the Canada Games. Some

provinces, indeed, develop provincial teams who they send internationally through agreements with other countries. They can send a provincial team to compete with clubs and subsections of countries in West Germany and England and so on. And at that point in time, as well, some provinces have, what I'll call, a kind of mirror high performance development system in their province, somewhat like a national one, where they have cards for their provincial level high performance athletes, and so such athletes may get, begin to as an individual, receive financial support from the provincial government and know the provincial government.

At this point in time, it's clear that the athlete will know of the provincial sport body, will be a member, will be receiving coaching probably from coaches who are probably certified or trained at a provincial level; competitions, facilities.

As well, as likely at this level, the athlete will begin to be receiving sport medicine and sport science support provided through the provincial sport body and will be, of course, along this pace receiving more and more information and guidance, if you will, on what we'll call the education on the rules of the sport and the ethical conduct of the sport.

At some point in time, teams and individuals

from within a province may engage in inter-provincial competition simply crossing the boundary of the province to compete against other provincial teams on a bilateral basis or through a club-to-club or city league basis.

5 It's likely, by this time, as well, of course, that the athlete is now a member of the national sport body. Most affiliations at the provincial level occurs simultaneously.

10 When you become a member of the provincial, you're a member of the national but, not necessarily, because of the fact that, generally speaking, provincial sport bodies collect a fee of membership from the athlete. They then pass on a portion of that fee to the national body. Some of them for, I guess, obvious reasons are
15 reluctant to pass on all of the fees and, hence, do not register all of the athletes at the national level those that they think will advance to the next level.

So you have some athletes who may be registered only at the provincial level and not at the
20 national. But generally speaking, it's simultaneous. So at a point in time one then becomes an athlete who is eligible to attend a national championship in his sport.

Again, if you're speaking now of clubs or leagues not in the university system, you would be at that
25 point tied into the national system, the national sport

governing body. Your team at the senior championships would be receiving funds from the Federal Government to attend those national championships. The national championships would be run by the national body. The coaches coaching there would likely have been developed and certified through the national body. Officiating would be run by the national body. There will be sports science and medical support at the time of the games, et cetera, and so on.

Q. Now, I take it, a good example of that would be the national championships of the Canadian Track and Field Association ---

A. That's correct.

Q. -- that are held each summer in Ottawa?

A. That's correct. And at some point an athlete, having made the national championship -- this isn't necessarily a perfect sequence -- one can leap-frog over any of these steps. You don't have to follow its path. This is a sort of an ideal generic path. But at some point, an athlete, a promising athlete has been seen at a provincial championship by a national coach or is recommended to a national level or is seen at a national championship and is invited to become part of the national team system, if you will, to become part of a training camp at a hopeful level or a junior level or a juvenile

level.

Some sports have, in fact, have a national senior team, a national junior, national juvenile team. Hockey, for instance, has a CHA and Hockey Canada have a senior team. They have an under 20 team, an under 18 and under 17, I believe, team. So one can be sent to and become a member of that national team stream, attend training camps, et cetera.

At that point in time, it is likely then, the athlete would become fully aware of all the services of the national sport body, both in membership, in coaching, officiating. They would likely be training at one of the -- or a good chance they would be training at any one high performance centres I pointed out earlier. They know that the funding would be there from the national sport body.

They, at that point in time, if they had made carding, some 800 athletes who are carded, they would then be getting money from the Federal Government, sort of a monthly cheque allowance going to them and receiving monies from their national sports body, as well, to assist in training.

Finally, we get into the international competition. At some point in time, such an athlete having been made a member of the national team, whether at

the junior or senior level would likely find his way -- his or her way into international competition, whether it's a member of an elite club that gained an invitation to an international meet, a World Cup in track and field or a World Cup in downhill skiing or they might be, as an individual athlete, invited to an international meet through the approval and agreement of a national body, or they might now become a member of a Canadian team.

And it's probably important here, Mr. Commissioner, to understand something with regard to the naming of athletes to a Canadian team.

As I've said earlier, the only agency that can forward names to be part of a Canadian team is the national sport body. If it is to a single sport event internationally, whether it's a World Cup or a world championship, only the national sport body can forward that name. If it is a team going to a multi-sport event, such as the Olympic Games, then that national sport body must also pass that name through the screen and the approval of the franchise holder in Canada of those games; in this case, the Canadian Olympic Association.

So the Canadian Olympic Association must approve the name supplied by the national sport body to advance internationally to those multi-sport Games. And I want to hasten that in all of this you have noticed that I

have not mentioned the Federal Government. Some people think that the Government of Canada, I think erroneously, somehow is responsible for the selection of the Canadian team or the naming of the Canadian team or the approval of the Canadian team.

It has no responsibility in any of those categories. It simply funds the development of the athletes to make that team and the funds to travel and advancement of that team to get to those games. But has no other responsibility with regard to those international games.

So that you see, finally, the athletes come in touch with those international sport bodies, they would realize as they competed internationally, whether at single sport or multi-sport games, that their country, through their National Sport Federation, is a member of their international body. Their Canadian Volleyball Association is a member of the International Federation. They would know that the International Volleyball Federation runs the Volleyball Games world-wide and runs the volleyball portion of the Olympic games, et cetera.

That's, by and large, a general overview, I guess, of how the athlete would progress and some of the services along the way. I might reaffirm I've not fully pointed out that I think some of the services in the lower

part of this upper chart, such as sports sciences, direct funding to the athlete, promotion of the athlete, those services would have a greater pre-dominance in the lower part of the chart than the upper part. Such services would have a greater predominance. The question of education of rules would be throughout the chart. The question of the ethical conduct would be throughout the chart at various levels -- or, sorry, in various degrees depending upon each agencies own involvement.

Q. All right. Now, what we've done up to this point and time is plug -- you've plugged in, as it were, to use the vernacular, the athlete, where he touches and works his or her way through the structure of the support community, and one of the other things that you did for us, which is quite helpful, which I would like to proceed to now, is that you kind of did a historical overview of the milestones in Canadian sports that I'm sure are going to be of assistance to the Commissioner and other people that are interested in our work, and that is your next document entitled, "Milestones in Canadian Sport." It's not a chart, it's texted, but if we could, Mr. Commissioner, we'd like to have that marked Exhibit 8.

THE COMMISSIONER: Yes.

--- Exhibit NO 8: Document entitled: Milestones in

Canadian Sport.

MR. ARMSTRONG:

Q. And if you could just take us through
5 that? You don't, of course need to, nor do you want to
read it all but you and I discussed that it would be, I
think, appropriate if you were to pick out a selection of
these milestones as the really significant ones to again
help us put our task in context as to where we've been and
10 where we are nationally in sport in the country?

A. Thank you. Mr. Commissioner, I want to
begin by pointing out that this is, as Mr. Armstrong has
said, really a slice, if you will. It is a national view.
This does not comment upon the development of sport at the
15 provincial or community level. It is a national view.

It tends to focus on the creation of major
agencies and major policies that have effected the
national level and the national sports systems in general.
It does not comment on the milestones in individual
20 sports. Each sport body would have its own set of
milestones in Canada.

Let me point out, I think, a few of the
formative points in time and periods and I will refer to
the pages that you have before you and walk you through
25 them fairly briskly. First of all, I point out, as I

think I mentioned earlier, in 1970 the IOC recognized the Canadian Olympic Committee as Canada's National Olympic Committee.

At that time it was responsible and was a
5 subset of the Amateur Athletic Union of Canada. It's since became independent as the COA in 1952. The next milestone, I think, would be in 1961. The Fitness and Amateur Sport Act was passed by parliament. This is the legislation that gives the Federal Government work in the
10 field supporting fitness and amateur sport in this country. In 1967 the first Canada Games were held. They were winter Games. This is a ---

THE COMMISSIONER: I noticed that there is some stimulus to that by Prince Philip?

15 THE DEPONENT: Yes, Prince Philip has always been active, Mr. Commissioner, in this field and from time-to-time has prompted the international scene.

MR. ARMSTRONG:

20 Q. You might just read that or give us a synopsis of that because it is an interesting fact that our fitness Fitness and Amateur Sport Act was indeed prompted by comments made by Prince Philip back in 1959?

A. As you've said, Mr. Armstrong, when
25 passed by parliament -- prompted I think should be taken

as one of the prompts -- it was not exclusive. There were obviously many forces and many comments at that time operating but Prince Philip had commented, in '59, on the health and fitness level of Canadians and we had also
5 noted in Canada, I think, one of the poorest Canadian shows in at an Olympic Games in Rome in 1960 and I think that the Federal Government, at that point, was concerned both about fitness of Canadians and indeed our sport performance internationally.

10 At that point, when Fitness and Amateur Sport began, it began with a very limited budget, under \$100,000, and essentially provided grants, often to universities and a few sport agencies, and now it has grown to the present state that it is in now.

15 Q. I see on your Exhibit 8, in 1961, nine national organizations received \$88,000 and in the 1987/88 fiscal year, the Federal Government last spent, or is spending, approximately \$58.6 million?

A. That's correct.

20 THE COMMISSIONER: That's the amount distributed to organizations. That's not your total budget?

THE WITNESS: That's correct.

25 MR. ARMSTRONG:

Q. That's amount distributed.

A. That's to sport and fitness oriented agencies.

Q. Yes?

5 A. Next, I would note the creation of the Canada Games. It was a result of the Provincial and Federal Governments deciding it was time in Canada to have a Multi-Sport Games, to have give it impetus and a profile to the variety of sports, the richness of sports in
10 Canada.

The first ones were held in winter in Quebec City and the next ones were held as a summer games in 1969 in Halifax and they have become a fixture ever since, alternating every two years, winter and summer.

15 In 1969, the report of the task force on sport that I mentioned earlier was tabled. In fact, I believe it was tabled in the House of Parliament. It was, as I said, I think probably the most pivotal report, the most pivotal force in the creation of Canada's particular
20 domestic sport system that we now have.

And it led, in 1970, to the Federal Government's release of a proposed sport policy for Canadians and that policy was in response to the task force and indicated that the government was prepared to
25 support a much more developed professionalized and

centralized sports system.

It led to the creation in 1971 of the National Sports and Recreation Centre now called the Canadian Sport and Fitness Administration Centre, creation of the Coaching Association of Canada, Hockey Canada, Canadian Academy of Sport Medicine, to Participaction, et cetera, et cetera. You can see the pivotal effect it's had on sport in this country.

I think it's probably important to note that in 1970, one of the major catalyst for the development of high performance sport in this country was the awarding of the 1976 Games to Montreal. Because, at that point, with the task force report, we were confronted with the reality that we would be hosting in Canada, for the first time, the Olympic Games and what while we believed we could put on a good Games in organizational terms and facility terms, we realized that in Canada we also had to put on a good performance as a country in terms of our athletic performance.

And that led to the development of what was called Game Plan '76 which was announced in 1973. It was really a cooperative plan of the Federal Government and the Canadian Olympic Association and the provinces.

It was technically supported by the Federal Government and financially supported by them. It was an

attempt to, if you will, put in place a high performance focus, a high performance development stream, to improve Canada's chances of performing in the 1976 Olympics.

Mr. Commissioner, I want to note an error on this page and perhaps we could correct it now for the record.

Under the date 1973, third sentence says, "The First Minister of State for Fitness and Amateur Sport was appointed by the Prime Minister of Canada."

That should read under the date 1976.

THE COMMISSIONER: Thank you.

THE WITNESS: 1976, I think there were a number of notable events. Lotto Canada had been established -- well, a lottery, an Olympic lottery was helped established to finance the games. It became Lotto Canada to help finance amateur sport, among others, in 1976.

At that point in time, Canadian athletes recorded an unprecedented performance at the summer Olympics in Montreal. Our measure, as you will hear from time-to-time, in the national sports system, Mr. Commissioner, of measuring performance of our national teams internationally is to measure the degree to which our team achieve top eight placings.

I think it's fair to say that the way that

medals are distributed in Multi-sport Games are so concentrated and a very few top countries in the world, the top five or six or eight, that it becomes difficult to measure international performance in a relative fashion to other countries by looking at medal performance.

You often have five, ten, fifteen countries grouped at a medal total of five or six medals in the winter Olympics or ten or twelve or fifteen medals in the summer Olympics. It's impossible with those close numbers to assess any kind of overview on performance.

So, we have undertaken to assess the number of times that athletes from all countries, including Canada, have made it into the finals. The belief being, when you're in the finals usually it means the top eight athletes and, at that point in time on any day, in a performance, an athlete could achieve a medal.

So, you've achieved the possibility of making a medal and we think that's a measure of the progress of a country internationally, when you measure the top eight placings, and we then assign points to those eight placings in order to get an aggregate score and I give you this lengthy description, Mr. Commissioner, because this shorthand becomes prevalent and I think we, and others, will use it from time-to-time to show where Canada, if you will, fits in multi games performance over

the years.

So, by way of example, in 1972, in Munich, when Canada, I think, had as one of its continuing sagas what we consider to be an unacceptable performance, Canada
5 as a nation finished 22nd based on points ascribed to top eight performances.

In 1976, after four years of this newly developing sports system and Game Plan '76 in place, Canada achieved a movement to 10th place which is a
10 movement of some 12 countries.

And that was, I think, in the world of international performance shift almost unprecedented on an international level.

Canadians, by and large, will probably
15 remember the Summer Olympics because of the fact that Canada was the first country, or one of the first countries, to not achieve a gold medal in the games and what because of what I Canadians thought to be perhaps ---

Q. One of the countries not achieve a gold
20 medal who was also the host?

A. Oh, the host, I'm sorry. Also hosting the games.

THE COMMISSIONER: 1976?

THE WITNESS: That was in 1976. And because
25 they perhaps felt that we should have won more medals.

At that point in time, I think it's fair to say that the Canadian sports system was on a rapid development path and actually had, in fact, achieved, I think, a staggering and impressive movement from '72 to '76.

But that story, of course, is difficult to tell when you're talking about top eight placings.

At the same time, the National Coaching Certification Program was launched which is a joint program that has led to the development of better educated and certified coaches moving up at the lower levels, increasingly up into the higher ranks.

On the next page, Mr. Commissioner, we see the Federal Government in 1977, after the appointment of a Minister of State for Fitness and Amateur Sport in 1976, undertook to produce a discussion paper, a green paper, for the national policy on amateur sport.

Subsequent to that, in 1978, the Government of Canada had been working in the field of physical recreation and indicated, at that point, that the Federal Government would be gradually withdrawing from the field of recreation, physical recreation, leaving that to the provinces but would instead work in the field of sport and fitness at the national level.

At that same year, the Canada hosted the

11th Commonwealth Games in Edmonton and, again, this was, I think, a significant milestone because Canada -- I'm not sure if it was at first, it was at most the second time, I believe it was the first time in history -- placed first in the Commonwealth Games among all participating nations.

We have traditionally been in the top three, top three or four, battling against England and Australia for first and in those Games we finished first place overall.

In 1979, the Federal Government released its white paper called, "Partners in Pursuit of Excellence," which was a framework from the development of high performance sport; the next steps, if you will.

Subsequent to that, I think a painful time in sport in Canada and that is the Government of Canada sought support, if you will, within the sport community in Canada for the boycotting of the 1980 Olympic Summer Games in Moscow, which subsequently the Canadian Olympic Association chose to not advance a team to the Olympic Games and we did indeed boycott those Games.

In 1980, the Fitness Canada and Recreation Canada were amalgamated under Fitness Canada which is the present construct today.

In 1981, I think again, probably most significantly was the awarding of the Winter Olympic Games

to Calgary, Alberta. That was done in Baden-Baden.

I point that out because major games in this country such as the '76 Olympics and the '78 Commonwealth Games have often been an impetus, encouragement, a catalyst to the further development of high performance sport and the funding of it.

1976 Olympics led to Game Plan '76 in '73. I think the 1981 awarding of the Winter Olympics, again we were confronted with the reality that we would be hosting the world in winter sports in Canada and we wanted to have a good performance in Winter Olympic team performance, as well.

So, as a result, the government, in addition to announcing its support for the Winter Olympic Games in terms of capital support for facilities, in addition to receipt of monies through other sources such as the TV contract that OCO, the organizing committee received, in 1983, the Federal Government announced the best ever winter program which was an additional finances to the tune of \$33 million over a period of some five years to support the preparation of Canada's Olympic winter team for the Calgary Olympics.

It was also in 1983, and we'll talk, I'm sure, much more about this later, the Federal Government announced its policy and program on the control of drug

use in Canada.

1984, Canada attended both the Olympic Winter and -- Summer Olympic Games and Winter Olympic Games. Canada earned four medals and five other placings in the top eight. This was, at that point in time, for a total of nine top eight places, our best ever performance by a Canadian team. And, I think, probably in the last 20 years, the most significant performance we've had internationally in the Multi-sport Games would have to be that of the performance of the Canadian team at the 1984 Olympic Summer Games in Los Angeles.

Understandly, and significantly, there were almost no eastern block nations there with the exception, I believe, Yugoslavia and Romania, so most of the eastern block world powers were not present.

Nevertheless, the balance of the world was there and Canada won a total of 44 medals and actually, in all measures, whether you count medals or count top eight placings in points which is our measure, Canada placed, as a nation there, fourth at the Olympic Summer Games.

In 1985, we announced Fitness and Sports Best Ever Summer Program which was intended to help prepare Canada's Olympic team for the Seoul Olympic Games, focusing on the summer Olympic sport.

1968, the Federal Government announced the

policy on Women in Sport which is to provide more equitable opportunities for females at all levels of sport and particularly those under the purview of national sport bodies.

5 1986, we're on page 5, Mr. Commissioner.

THE COMMISSIONER: Yes?

THE WITNESS: The Sport Marketing Council of Canada was announced to assist national sport bodies to develop further financing in the private sector.

10 1987, the Federal Government announced the creation of a task force on national sport policy and, I believe at a later point I'll be commenting further on this, Mr. Armstrong, which was intended to provide recommendations to the government in the sport community
15 on the future development of Canada sports system to the year 2000.

 In 1988, this past year has been a significant year in many respects. Canada hosted the first Olympic Winter Games in Canada and Calgary. During
20 those Games, Canada earned five medals and achieved a total of, and this is a second error in this description, Mr. Commissioner. It should say a total of nineteen top eight finishes.

 This was roughly double what we had
25 concluded in 1984. The number of top eight finishes, we

had moved ahead, so we have felt progress again on the Winter Olympic side. The best ever showing by a Canadian Olympic team at a Winter Olympics, in terms of top eight performance, and the Canadian team performed at the 1988 Olympic Summer Games in Seoul, Korea.

To be honest and candid about our placings, I think that all of us are reviewing the valuation of our performance in the Seoul Olympics. We believe there are -- some improvements need to be undertaken. It's clear that the rest of the world has proved dramatically ahead, has not sat still.

There are some new nations moved into the top rung which weren't there before, such as the People's Republic of China and South Korea that made it even more competitive.

As a result Canada, in the top eight placings, placed 15th as a nation in the world.

And finally, or second to last, I guess, that Canada, and more about this later, Canada co-hosted or, sorry, hosted and co-chaired with the International Olympic Committee, the first permanent World Conference on anti-doping in sport in Ottawa in June of this year.

And finally, the last two items, the one of concern clearly to this Commission, that is this, the Federal Commission of Inquiry into the Use of Banned

Substances was announced in October or November and has begun its work and the report of the task force on national sport policy was released to Canada's sport community in August.

5 So, those are the some of the highlights, Mr. Commissioner, that I draw to your attention.

MR. ARMSTRONG: Mr. Commissioner, that ---

THE COMMISSIONER: We'll adjourn now, yes.
Before that, I overlooked something I ought to have said
10 earlier in result of a few inquiries from those in the audience. When all the evidence is in and completed, there will be an opportunity for members of the public to make submissions to the Inquiry if, in the opinion of Commission Counsel, their submissions will be of some
15 assistance to us.

And we are a long way from that but we will put in a public notice to that effect when the proper time arrives. Adjourn to 2:30.

20 --- Whereupon the proceedings were adjourned for a luncheon recess.

--- Upon resuming at 2:30 p.m.

THE COMMISSIONER: Mr. Armstrong?

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MR. ARMSTRONG: Thank you, Mr. Commissioner.

THE COMMISSIONER: Excuse me a moment
please. Very well.

MR. ARMSTRONG:

10

Q. Thank you. Mr. Makosky, you had
completed the first part of your evidence this morning
ending with Exhibit in respect of the milestones in
Canadian sport.

15

I now would like to turn a little more
specifically to the actual role of the Federal Government
in sport and among our list of exhibits, or to be
exhibits, is the Fitness and Amateur Sport Act. It would
I think, Mr. Commissioner, although not always that usual,
but we are not a court per se, if we could mark that as
Exhibit 9, the Fitness and Amateur Sport Act.

20

THE COMMISSIONER: That would be the first
time I have ever done that. Exhibit 9.

THE COMMISSIONER: Exhibit 9.

--- EXHIBIT NO. 9: Fitness and Amateur Sport Act

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THE COMMISSIONER: Thank you.

MR. ARMSTRONG:

Q. Then, Mr. Makosky, I wasn't going to ask
5 you to comment on the Act in particular. We will leave it
exclusively to the province of lawyers present, but the
next exhibit that you prepared -- now, Mr. Commissioner,
we are proceeding within a group of exhibits that were not
prepared as overheads and the first one is entitled
10 Fitness and Amateur Sport and it is in your book.

THE COMMISSIONER: I have it.

MR. ARMSTRONG: And my colleagues have them.
Could we have that as Exhibit 10.

THE COMMISSIONER: Thank you, Exhibit 10.

15 THE REGISTRAR: Exhibit 10, Mr.
Commissioner.

--- EXHIBIT NO. 10: Overhead entitled "Fitness and
Amateur Sport"

20 MR. ARMSTRONG:

Q. And do you want to just take a moment.
That sets up nicely the organization of the Ministry of
Fitness and Amateur Sport?

25 A. Certainly. Mr. Commissioner, the

Fitness and Amateur Sport Act of 1961 that gave rise to Fitness and Amateur Sport, generally allows the Federal Government to engage in activities and provide finances that promote and encourage sport. I think it's important to note from the outside that the Act however is not regulatory and offers no explicit authorities to control, licence, or regulate any aspects of sport. The page Exhibit 10 that you have before you is simply an overview of the senior level construct of the department, it's relationship in government. It is composed of a Minister of State for Fitness and Amateur Sport. Under the Minister of State for Fitness and Amateur Sport is the organizational construct of this area of government. In government structure terms it's called a branch. In fact, we are a branch of the Department of Health and Welfare.

THE COMMISSIONER: But you said that statute gives you no authority to control or govern sports?

THE WITNESS: That's correct. It generally speaking offers authorities to the minister to provide financial support and to undertake such activities as may be useful and appropriate to promote and encourage and support amateur sport.

THE COMMISSIONER: Has the Act been amended since 1961?

THE WITNESS: It has not. Well, I don't

know if I have my term exactly right. There was an anonymous bill in Parliament that changed some of the terminology to make it clearer but did not change it in any substantive form.

5 THE COMMISSIONER: Thank you.

MR. ARMSTRONG: Thank you.

THE COMMISSIONER: Go ahead, Mr. Armstrong.

THE WITNESS: The branch of Fitness and Amateur Sport is a branch of Health and Welfare and hence you see the relationship to the Deputy Minister of Health and Welfare, which is my line reporting responsibilities, but generally speaking day-to-day functions of Fitness and Amateur Sport are reported through myself directly to the Minister of State. The legal or Parliamentary record of authority for the Act is however vested in the Minister for Health and Welfare and at the beginning of a governmental mandate, the Minister of Health and Welfare actually provides a letter of transfer and transmittal to the Minister of State outlining the responsibilities of the Minister of State and what authority is being transferred from the Minister of Health and Welfare authority to that Minister of State.

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15
20

And in general terms and in historical terms, the authorities have been virtually complete allowing the Minister of State for Fitness and Amateur

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Sport to undertake the activities that we do today with the exception that the Minister of Health and Welfare must in effect approve the request for finances that are part of the main estimates to go before Parliament for approval.

So, the construct within the branch is composed of these sections. There are five divisions again in government structure terms what we call directorates, there is a directorate called Sport Canada, which has as it's purpose and function to be about the policy, making of policy and finances of sport in Canada.

There is a directorate called Fitness Canada working on the fitness movement in Canada. There is an international relations directorate which provides coaching and advice and support services with the two directorates of the Sport and Fitness Canada. And finally there are two support directorates, finance and admin and promotion and communications which are there to serve the business operations, the day-to-day operations of the branch and to serve the Minister's office in terms of promotion and communications.

Structurally this evolved, I can point out a few brief highlights, the '61 Act gave cause to the initiation of Fitness and Amateur Sport as an identity. In 1971, Sport Canada and then Recreation Canada were

created. In 1973, what at that point was a directorate within Health and Welfare, was given full branch status, which is considered to be significant in the government, with it's own Assistant Deputy Minister.

5 In 1976, the first Minister of State for Fitness and Amateur Sport was appointed, which there have been some eight or nine since. And in 1980, Recreation Canada was in effect dissolved and became Fitness Canada. And in 1987, the International Relations Directorate was
10 established. It's a short highlight of how we came to be this structure.

MR. ARMSTRONG:

Q. Now, the next chart, Mr. Makosky, that you have prepared is a detailed picture of the
15 organization of the Directorate of Sport Canada. And, Mr. Commissioner, could we have that marked as Exhibit 11 please.

THE COMMISSIONER: Exhibit 11.

20 --- EXHIBIT NO. 11: Organization chart of the
Directorate of Sport Canada

THE COMMISSIONER: Thank you.

MR. ARMSTRONG:

25 Q. Now, we are, as already indicated, going

to hear next from Abby Hoffman, the Director General of Sport Canada, so, I don't know how much as Assistant Deputy Minister you want to say about that, but why don't you in general terms just give us an overview.

5 A. Well, as I said, Sport Canada is a division of the Ministry of Fitness and Amateur Sport. It is divided or organized as you see in the page before you into organizational units which essentially parallel the major purpose and functions of Sport Canada. That is to
10 provide support to the sport associations, to provide policy and planning to the government and the sport system, to provide specialized support services to high performance by funding such things as directly through the athlete assistance program, financial aid to athletes, to
15 provide support for sport sciences and medicine, et cetera. And on the far right side, we do through the branch as well or through the directorate engage in special programs such as the women's programs. So, the functions of Sport Canada and the structure are
20 essentially linked closely to the overall purposes.

 Q. All right. Then the next document that you prepared for us was a three-page document containing pure text entitled The Role of the Government of Canada, Fitness and Amateur Sport. Mr. Commissioner, may we have
25 that marked as Exhibit 12.

THE COMMISSIONER: Exhibit?

THE REGISTRAR: Exhibit 12.

5 --- EXHIBIT NO.12: Three-page document entitled The Role
of the Government of Canada, Fitness and
Amateur Sport.

MR. ARMSTRONG:

10 Q. Using this as the framework, as it were,
why don't you just take us through the role of the
Government of Canada, as it were, as revealed in this
document?

15 A. First of all I should say that the
mandate that is delegated, if you will, or allocated to
the Sport Canada division from the Minister, through my
office, is a product in part of the Act which allows the
government to support and encourage, is a product as well
20 of various Cabinet authorities that are as a result of
Cabinet submissions that are usually made by the Minister
of State such as a Cabinet submission to support the best
ever program for the support of winter Olympic athletes.
That has Cabinet approval and authorizes the government
and hence eventually Sport Canada to engage in certain
activities.

25 And finally I think that the mandate of

Sport Canada is a product of a fairly complex process whereby the government, having assessed the needs and priorities of the Canadian sport system, makes some judgments about where the next priority and efforts should be placed. As a result it establishes priorities for its funds on the belief that when the government provides funds in those areas those will contribute to the advancement of the system.

Hence, in general terms, I think we see that through Sport Canada the Government of Canada essentially has in large respect assumed a mandate to do three things as indicated here. First of all to provide a sense of leadership not the only, not exclusive, it's a shared leadership, but a contribution to leadership in the sense of policy direction and financial assistance for the development of the overall Canadian sport system.

Secondly, to provide support for that system in order to allow as much as possible as many Canadian athletes to achieve their highest level of achievement in high performance sport that they would like to aspire to at the international level. And finally, to provide support for initiatives aimed at increasing the number of Canadians participating in sport. What some people have called mass participation or mass sport or participation sport.

THE COMMISSIONER: Is Participaction under Sports Canada or under the Fitness Branch?

THE WITNESS: It's under Fitness Canada, sir. I think that we would see the separation being that Participaction's objective is more concerned with generally raising the awareness of Canadians about the importance of being physically active however they wish. Whereas, the activities that are funded in mass participation through Sport Canada are more about getting more Canadians into the organized sports system, that whole earlier chart that I pointed out.

THE COMMISSIONER: All right, thank you.

THE WITNESS: So, what we do to attempt to work towards those major areas of mandate that the Federal Government has assumed, we have outlined in our approach some six goals. The first is to work on the development of an integrated sport system. And I think it's fair to say that as a major objective of the government coming out of the '68 Task Force and most recently out of the 1988 Task Force, has been to try to bring a greater sense of co-ordination and systematic approach to the development of sport in Canada. In effect, to put a system in place to co-ordinate all those agencies that was in that large chart that lies against the wall currently.

Secondly, our goal is I think to promote and

develop high performance sport in conjunction with the national sport organizations.

You will recall, Mr. Commissioner, the particular focus I put on the national sport organizations. They are really the pivotal development and delivery agency of sport on a sport-by-sport basis and we I think exist to try to help them to serve the development of high performance sport in their sport. Thirdly, to promote and develop what we just a moment ago called a participation sport or sometimes call domestic sport programs to get more Canadians involved in the competitive involvement of competitive organized sport. It doesn't have to be at a high performance level. We are also concerned throughout this system at the encouragement of Canadians to participate at the basic, at the community, at the school level, not just at high performance.

Fourthly, I think we obviously are interested in providing the kind of infra structure, the administrative support, the technical leadership to assist the national sport organizations for them to carry on this work. And obviously, the fifth and sixth one, this branch of Fitness and Amateur Sport and Sport Canada have a requirement to inform the Federal Government, the Minister and Parliament and the Cabinet about the Federal

Government's sense of social responsibility, its priorities and what should be its policies in order that the government can indeed make choices about those policies. So, we provide that shaping of policy advice service.

And finally, in order to perform those functions, we think it's important to maintain a database in Canadian sport, an understanding of the various developments, the progress, where things are going, economically and technically, et cetera, in order that we can make aggregate assessments of the sport system and provide advice and counsel to government as well as to other members of the sports system.

So, that brings us, Mr. Commissioner, to the areas we actually considered to be then our responsibilities or what areas we actually work in. I will make a brief comment on, as a prelude to describing the actual programs of Fitness and Amateur Sport which are to be found in the annual report.

So, the responsibility areas as indicated in this exhibit includes support to national sport organizations, those 65 national bodies in single-sport organizations and all the multi-sport organizations which in total number some 85 agencies that we provide direct financial support. We provide funds for their staff,

their administrative and technical staff to employ them,
to employ national coaches for national championships, for
the various aspects of the national office, including
annual meetings, planning meetings, communication
5 materials, et cetera, et cetera on the administrative
side.

Secondly, sports system building. As I
indicated in the previous section of points, we are really
concerned about building that sport system so would we
10 work towards a development of an integrated sport system
in Canada working with those many agencies outlined in the
wall chart.

Thirdly, we work to co-ordinate and promote
domestic sport programs, the enhancement of more
15 participation.

It's fair to say here that it's probably
important to understand the separation of emphasis between
the federal or the national and provincial levels. With
record to mass sport or participative sport, I think it's
20 fair to say that we consider the national level to be
responsible for the setting of direction with regard to
participation sport for its member provinces for the
establishment of prototypes and pilots that can be used by
provinces and communities but the national level in a
25 sense and our funding of the national level is not

responsible for the delivery of participation programs. We couldn't hope to fund all the skill development programs and competitions that are held in all of the schools and community centres across Canada, but we do think it is important that the national sport body sets standards for those competitions for the coaching and officiating, set standards for the types of skills and provide the kind of technique and technology that the provincial sport bodies and communities can use. And we are currently in the midst of a review and a development of a new strategy and policy in the area of domestic sport programming that will be ready in approximately three to six months for announcement. There was a recent emphasis of this Federal Government.

Q. Is that something that is going on within the Ministry of Fitness and Amateur Sport or is there some external task force that is looking at that?

A. Both. We initiated the analysis with using our staff and produced a strategy paper which is now part of a consultative process where we are involving a number of sports agencies at the national and even now at the provincial level to try to evolve a model and a strategy for enhancing the participation of Canadians in organized sport. So, it's involved at those various levels.

Q. All right.

A. I think I might make a comment, Mr.

Commissioner, about an earlier chart. You may remember
the one chart that was called the Athlete's Life Path with
the swiggly line. And there may have been some sense that
that is the only way that an athlete in this country can
move through the system, and indeed, everyone must move
along the system and could give the impression that that
is the system geared for high performance athletes and
none other. I want to point out that there are many
athletes in this country who choose to stop at a certain
level and there are various programs at those levels that
allow plenty of competition and interaction and learning
where an athlete does not have to advance further. And
there are opportunities at those various levels and indeed
many have taken those other paths and the system provides
those opportunities for those athletes.

THE COMMISSIONER: Thank you.

MR. ARMSTRONG:

Q. Well, for example, if you take Exhibit 7
and look at it, if you just take the first leg of the
journey on this path, I suppose many Canadians, young
Canadians, at least, would be involved at no other level
than either the school level or the local recreation
centre level?

A. Exactly.

Q. And others may indeed move up to play for their local high school team and high school league at a competitive level and at some club level and end there?

5 A. That's correct, sir.

Q. And what you have done is, you have taken your fictional or fictitious, if I can call it that, athlete or example athlete, and said, look, if he went through the whole system this is the way that his path
10 might go right up to performing in the Olympic games?

A. That's correct.

Q. All right.

A. And finally on page 3 of this outlook on the F and S and Sport Canada's general responsibilities, we develop work on a sport database in order to provide
15 information for us in the sport system, and develop policies as well, of course, for the Federal Government to undertake.

I think that's the general overview, Mr. Armstrong. I think it might be best to refer to specific
20 programs by perhaps looking at the annual report.

Q. All right. Then we have two copies, Mr. Commissioner, of the two most recent annual reports. There is the annual report for 1986-87, which I would ask
25 to be marked as Exhibit 13.

THE COMMISSIONER: Number 13.

MR. ARMSTRONG: And then there is the annual report for 1987-1988 which I would ask to be marked Exhibit 14.

5 THE COMMISSIONER: 14.

MR. ARMSTRONG: Exhibit 14.

--- EXHIBIT NO. 13: Annual report of 1986-1987

10 --- EXHIBIT NO. 14: Annual report of 1987-1988

MR. ARMSTRONG:

15 Q. Now, bearing in mind that we do want to move along this afternoon to the question of doping at the international level, I don't, unless the Commissioner does, for you to take too much time on the programs but give us an overview, if you will.

20 A. Certainly. Perhaps, Mr. Commissioner, we could turn to page 17 where the Sport Canada section begins. This recent year's annual report, the one that says '87-'88, cream cover on it.

Q. That's Exhibit 14?

A. Yes. Page 17, Exhibit 14.

Q. Thank you.

25 A. Page 17 and 18 essentially talk about

the mandate and goals and the structure that I have spoken to. Page 19 begins on the major programs, and it's these that I will take you briefly through for the next few pages.

5 First of all, and probably most importantly, the Federal Government provides what we call core support which are financial contributions to national sport agencies both single sport and multi sport to enable them to carry on their business, if you will, and that core support is the substantive amount of our funding. It crosses the whole realm of administrative support, employees salaries, national coach salaries, support towards the high performance system, the infrastructure at the national sport body, et cetera, et cetera. I won't go into any detail; I can leave that to your wisdom and time to read, sir.

10

15

 We supply funding to both, as I said, single-sport and multi-sport organizations. There is some indication of the level of some of the funds that have been provided over the years. And all of that chart that I pointed out that is on the wall at the national level, all the multi-sport and single-sport agencies get the bulk of their funds to carry on their business through this program or through this particular aspect.

20

25 The next program I point out, the next

funding category, is called athlete assistance. It's on page 22. Again, I think there this will be more detailed, a lot more detail given on this aspect later when the Director of Sport Canada appears before you, sir. So, I will simply point out that this is the financial program that provides direct funds to the top level of Canada's athletes, eight to nine hundred which are so-called carded athletes and receive different levels of financing, depending upon the level of their card. The level of the card is related to their performance level and ranking nationally and internationally.

The best ever program was really a special approach to Cabinet that sought additional funds to aid the development of Canada's high performance teams going towards the 1988 Calgary Olympics; hence, it is given a special category and title. And it is the extra money that was additionally added into the sport system in addition to monies that was all ready there to support the national teams of Canada's winter and summer sports. These extra monies were used to provide further funds to aid in the preparation of Canada's 1988 Olympic and winter and summer teams.

We can then point next to the Canada Games. The Federal Government currently supplies about 70 percent of the total cost of the games; one third of the capital,

virtually the majority of the operating and all of the travel for the provincial teams to go to the Canada Games. That ratio will change in 1991 and move towards federal/provincial of 50/50.

5 The next aspect I point out will be the so-called technical programs. And it includes some of the aspects I have mentioned throughout this morning's testimony, the high performance sports centres, those 81 sports centres across Canada that we help to fund.

10 In the area of coaching, extensive support primarily through the Coaching Association of Canada, providing them assistance for the development of educational programs, national coach salaries, and other education programs again delivered primarily through the
15 Coaching Association of Canada as one of the central agencies that we call an arm's-length agency to help carry on the business of assisting the national sport community.

 And then we move to the science and medicine in sport programs which is essentially intended to provide
20 financial assistance to national sport governing bodies, in the areas of athlete assessment and sport science consultation.

 The next category note is the health status support program. Primarily the goal of this program is to
25 ensure optimal health and appropriate physical preparation

for the duration of an athlete's competitive career. And this is actually a program that allows the match of a roster of appropriately, if you will, accredited and noted sport centres, sport medicine centres and doctors who have
5 agreed through the Sport Medicine Council to provide a medical monitoring program for amateur athletes to ensure their good health during their training and preparation, detection of injuries, etcetera etcetera.

The applied sport research program is again
10 more of a direct grant to those individuals and agencies. Primarily it tends to be in the universities to undertake applied sport research to aid the development of sport.

And we move to the drug use and doping control program; a lot more on that later, so I won't
15 comment on it now. And then the fair play program which was an initiative I commented on earlier that was initiated in 1986. It has a national voluntarily Commission. It is really about developing a promotional educational program to raise the awareness about and the
20 debate about the question of the ethical conduct of sport and fair play in sport.

The Task Force and National Sport policy, I think we intend to comment separately so I simply track briefly the remaining programs which consist of the
25 women's program, which is a specific program intended to

raise the awareness of national sport bodies to provide more programming and planning and opportunities to enhance the access by females at all levels of sport in Canada. Sport marketing program, which is essentially financing to the marketing council and the national sport agencies to encourage and aid them in the accessing of further private sector support. I commented earlier on that. The official languages program, which is essentially support by the Federal Government to the national sport organizations to aid and equip them to provide their services in both official languages and provide financial aid for them to do that. And finally, a couple of programs that are picked up in the middle of sections that I haven't noted. The hosting program which Canada, the Federal Government, provides financial aid to national sport organizations to assist them in bidding for and then hosting major games like world championships in World Cups. And we do that on a multi-sport basis as well. For example, for the Calgary Olympics, the Federal Government supplied substantial monies to the tune of \$200 million for the Victoria Commonwealth Games in 1994, Federal Government has indicated a contribution some two years ago of \$50 million, et cetera.

I think those are the highlights of the programs support. I might just in closing the comments

on the annual report, Mr. Commissioner, and before I guess we move on to the Task Force report would be to say just a comment about the Federal Government's relationship with the non-government sport bodies in this country. Because again I think there is from time to time some confusion, if not perhaps misconception about the nature of the relationship.

I think in stylistic terms the Federal Government generally intends to carry out its role by being consultative, i.e, to assess the needs of the sport community and to respond by collaborating with them. It provides a form of policy leadership to the overall sport community based upon what the government believes to be the priorities and policies that should be undertaken to enhance the sport community. And it provides, I think, a collective assessment and overview on progress and that collective assessment and overview is provided not only to the government but to other multi-sport agencies to assist their co-ordinating roles.

It is fair to say that without question its major mechanism of influence is through its financial contribution. Because the Act is not regulatory in nature it is the government's financial contribution that allows it to express its sense of priority and social responsibility. And it does so through the interaction of

financing mixed with policy with the national sport community.

5 The Federal Government, of course, does require financial accountability for the spending of those funds. We have requirement through the Auditor General and the Controller General for certain appropriate accounting of those funds, but we cannot control or regulate in any other way, legal or quasi-legal the undertakings of sport agencies.

10 And finally to reaffirm as I did at one point this morning, the Federal Government itself does not grant eligibility to an athlete to participate in the system or in a sport body, either domestically or internationally. That is purely and exclusively governed
15 by the national sport body. Nor does the government name or select athletes or virtually have any kind of controlling function on the selection of athletes with regard to the naming of teams. We from time to time often have a seat at the table of the multi-sport agency that
20 finally selects the team such as the Canadian Olympic Association, but it is as an advisory role and not as in a final approval role.

25 Q. Well, what does that mean for the Committee for example that chooses the Canadian Olympic team, you have a representative who sits on that

Committee, Mr. Sorensen, I believe?

A. That's correct.

Q. Now, does he have a vote? If Ms. Chown,
again this time she has made it through her national sport
5 organization has nominated her to be on the swimming team
and now she is before the Olympic team selection
committee, does Mr. Sorensen have a vote on whether or not
she is a member of the team?

A. He does not. Mr. Sorensen does sit on
10 the committee as an observer advisor and would offer
advice as to how Sport Canada believes the progress of
that particular sport and those athletes, what progress or
level they are at and indeed might offer advice on whether
or not it is in the best interests of the team at that
15 moment and whether they had the capability of achieving a
certainly level of excellence demanded by the COA or the
international body, but that comment is purely as it is
stated: it is advice. And there is no vote, if you
will.

Q. All right. Well let me ask you this,
20 would Mr. Sorensen or whoever it is that is on that
committee offer particular opinions about particular
athletes as to whether or not they should or should not be
on the team for various reasons?

A. Generally speaking, the advice would

tend to be focussed more on the sport and how the sport as a whole has been doing and the national team and the level they are at, but where individuals are involved and there is particular data available, there would be advice offered as well on individuals.

I think this comes into play primarily where you are dealing with the, what I will call the marginal zone, where the athletes is on the edge of being named or not being named. Generally speaking the committee, the COA I am sure will comment much more extensively on this, would come to ready and easy agreement where an individual athlete or a national team is ranked in the top several in the world, clearly has made the olympic standard, will be on the way to the olympics. By all other measures there is rarely if ever that I can think of any kind of debate about those. Its where an athlete clearly is on the edge of making a standard. Perhaps if there is no standard governed by the IOC its a matter of choice by the COA and the level of progress of the athlete may not be exactly clear whether the athlete is ready for olympic games and then it becomes a matter of variety of opinions around the table that are offered up as to whether this would be good for the athlete or whether this will be good for the sport, etcetera, or whether the athlete should instead for instance be named to a world championship team and to go

to a world championship in that sport before going to the olympics. Its those athletes in that grey zone where there tends to be more variety of opinions coming to the table and offered up.

5 THE COMMISSIONER: That's the term here in Canada not by the International Olympic Committee?

 THE WITNESS: That's right. The only twist to that is that for some event where it is possible to measure a standard, running, swimming, where time and
10 space and height are measurable, the IOC or other games may set a minimum standard for entry into the games.

 THE COMMISSIONER: For example, I was wondering how the Eagle never got permitted to enter to do the jump. If he was Canadian would he be able to be on
15 our team. He may be the best in Canada.

 THE WITNESS: If he was the best for these games in Calgary, if he was the best in Canada its likely that the Canadian Olympic Association would have approved his selection because in Canada I think when you are
20 holding a games, perhaps the application of the rule is a little different, you want to have every sport represented.

 THE COMMISSIONER: But if we are participating internationally and we have the best man in
25 Canada but he falls far below the competitive standards of

other international athletes, does he have a chance to represent Canada?

THE WITNESS: We are into the realm of each case having been judged on its merits, but I can say
5 safely, Mr. Commissioner, that there are --

THE COMMISSIONER: Suppose the Eagle was a Canadian, we are now competing in Europe?

THE WITNESS: If he was a Canadian and had place --

10 THE COMMISSIONER: I am assuming standards, I am really not - I don't like to admit this - but I am not quite an expert in this particular sport, but knowing the distance he jumps and so on, compared with other competitors, he seemed to have this far behind them, or
15 far below them I guess?

THE WITNESS: Yes. My speculation, far below them, certainly not above, my guess, Mr. Commissioner, would be that he would likely receive support by his national sport body to attend world cups in
20 order to improve himself, might be supported by the national sport body to attend a world championships, likely would be.

When it came to the table of representing Canada at an olympics, if the olympics were held outside
25 of Canada and he had continuously in the last couple of

years finished last in every competition, my guess is that he would not be selected.

THE COMMISSIONER: Thank you.

MR. ARMSTRONG:

5 Q. All right. Now, throughout the course of your evidence you have mentioned the task force report that was released in August and I have 2 copies Mr. Commissioner. There is one in English and one in French and we have the French copy.

10 THE COMMISSIONER: What number though, 15.

MR. ARMSTRONG: 15.

THE COMMISSIONER: The English version 15A and the French will be 15B.

15 MR. ARMSTRONG: If I could make a submission and ask you to change your mind because what we did --

THE COMMISSIONER: That's a very difficult decision.

20 MR. ARMSTRONG: I know you will have to think hard about this one and in the course I have completely mixed everything up. We in our preparation last night agreed amongst ourselves, subject of course now to your approval, that the English one be marked as exhibit 15 and the French exhibit 16.

THE COMMISSIONER: Thank you.

25 MR. ARMSTRONG: No particular reason why we

chose the English to go first but since we are testifying here in English I guess we decided to have the English marked as exhibit 15. If you will accept that submission, I hope no counsel will object, and the French version as exhibit 16.

THE COMMISSIONER: We have that.

THE REGISTRAR: 15 and 16.

--- EXHIBIT NO. 15: Task Force Report (English Version).

--- EXHIBIT NO. 16: Task Force Report (French Version).

MR. ARMSTRONG:

Q. Now, this is clearly, as you have indicated, an important document. Would you take a moment to give us an overview of it, bearing in mind again that it does not, although it's important for our purposes to have it and understand it and have the benefit of your advice on it, it doesn't deal directly with the issue of doping or drugs but we believe as counsel it would be helpful if the Commissioner were to have the benefit of your evidence on this if you would, just give us an overview of it?

A. Well, Commissioner, this morning I noted that in 1968 perhaps the most pivotal document in the task

force in Canadian sport history, the '68 Task Force on Sport was released and lead to much of that sport system that you see on the wall board and I think we can look back in 1988 last year over 20 years development and I think it's fair to say that the agenda that was laid out by the '68 task force report has largely been addressed and accomplished.

Most of the types of developments that were needed then have been put in place. And in fact a year and a half ago a number of people came to the conclusion, including the Minister, that indeed it was time if you will for a new blueprint, that the '68 task force no longer provided the kind of beacon on the future, that we needed a new blueprint that should start with some sense of statement of national purpose and the building of the sport system in Canada.

I think that's the essential focus of this document. It talks about the importance of Canadian sport and calls for a statement of national purpose of national goals for the sport system and talks about the ways in which the national sport system should be further enhanced and developed. It also talks about the need for a new financial framework, a coming together of the major stakeholders in the sport system in Canada to develop a financial framework as to both the costs and expenses in

order that we can, if you will, address some of the redundancies and overlaps and more efficiently apply resources and more aggressively embark upon gaining further resources. It also talks about the need for a shared leadership at the national level.

All of the agencies that are outlined on the chart this morning on that wall board have various kinds of mandates and most of those mandates in some way or another either connect with one other agency or overlap. They all are there in one form or another to serve the national sport organization and we think its time to consider and to put in place a better model for shared leadership amongst all those agencies, to co-ordinate them better if you will.

I think I would just highlight if you will the focus of the 8 goals because those 8 goals, Mr. Commissioner, I think from the perspective of a person who was the co-chair of the task force and I think the Federal Government because the minister has indicated his strong support for these 8 goals, represent what we consider to be the major needs and focus points for Canada in the period up until the year 2000 and beyond.

They are indicated in the material and I will just briefly relate to them. The first one talks about a coherent Canadian sport system. It sounds perhaps

like an academic phrase but it really is an important word, a coherent sport system.

5 Coherent means to attempt to have the national sport bodies more involved, if you will, vertically up and down the system, currently in that athletes life path, the national sport body currently does not reach down very far into the system, the types of development programs and standards and opportunities we believe should be more vertically integrated down into the provinces and the communities and indeed if Canadian athletes are going to have the opportunity and to achieve the levels of excellence internationally that we think they aspire to, then the Canadian high performance sport system at the national level will need to have access to those athletes at an earlier point in their development.

15 And that's what we mean in part by a more coherent and vertically integrated Canadian sport system. It talks about the need for sport, if you will.

20 Q. Can I just stop you there. What do that mean. Do you mean that now you have got a 12 year old track star and that you need access to him as an earlier, at, say, age 12 and now you are having access to him at an older age. I am not quite understanding what you are saying?

25 A. Well within reason and as appropriate to

the development of a person and to the sport. Some sports, the learning of technique and competitive strategy can and comfortably start at a relatively young age. In other sports its more appropriate to start into the - more
5 into the adolescents or a later period.

Clearly we are not talking here about an increase of competition at lower and younger levels, I think we have a concern about that, but rather the understanding, the learning of basic sport skills,
10 fundamentals. I think it's long been known if we take an example of Canadians favourite sport, hockey, that when Canada began to embark on the world scene against world level competition, the Soviet Union or whomever, the Czechoslovaks, etcetera, I think time began, experts
15 through Canada, indeed, the Canadian public and media commented at the superb quality of the fundamentals of those athletes and that the level they were at internationally, the national team and at that point was essentially dealing with strategy and with psychology and
20 tactics. They were not any longer teaching fundamental skills and I think that we need that kind of early teaching of fundamental skills.

Q. Thank you, I understand.

A. The third aspect the task force talks
25 about is the recognition I guess and the celebration of

sport as an integral part of our Canadian culture and as a cultural form.

Again you might say, Mr. Armstrong, what does that mean. We think that what people do as a nation in terms of physical activity, the activities they engage in, and the sports they engage in and what they say about those activities and how they choose to make them memorable and celebrate them says a lot about what we are and who we are as a people. Its part of our identity as a culture and as a country and I think that it therefore is a part of our cultural indentity and in many respects the task force talks about the need to recognize that in explicit terms, to make it if you will a cultural trade mark.

It also talks about the need for shared leadership. I commented on that earlier, that it is a kind of greater contract between the major national agencies to work together to a common game plan, it talks about an integrated community base sport system which is to say that we feel there needs to be the development of more club base sports at the local level throughout Canada.

Generally speaking the 2 great systems in the world tend to be that of club base sport, I will call that the European model or school base sport which is the

United States model. Most of the high performance and development of athletes in the United States is based in schools. In Europe it tends to be based in clubs.

5 Canada has a bit of a hybrid, we have got a bit of both. But currently the school base system is not connected by and large with most of that chart that you see. And so we feel that two things need to occur: Clearly the educational system in Canada needs to form some relationship with the sport community, an appropriate
10 one to be negotiated between them, so that there is an appropriate give-get to both development streams and secondly that there needs to be the enhancement of more club based sport separate from the school system in Canada. And so that's what that talks about.

15 This task force then talks about the need to provide a high performance environment and much of what we have talked about today and will in the future deal more with that, I won't comment. It then talks about the need to provide an appropriate financial support system for the
20 athlete. The task force report I think indicates the tremendous complexity to this question and the changing evolution of it, and I believe we will hear more about the financing of the athlete and the difficult questions that we face in that area in testimony in the next witness.

25 It then talks about the need for Canada to

maintain a high level of international advocacy, if you will, to be a world player, not just a competitor in the competitive scene but indeed both in terms of its voluntary support community and in terms of its government to be at the tables, in the board rooms, in the governing bodies around the world to ensure that the conduct, that the ethics of sport, that the fundamental values of sport are protected and advanced and appropriately shaped and we believe that Canada has a responsibility to be in that world stage as a vital player.

And finally it comments on, the task force comments on the kind of financing and the financial framework that might be appropriate for the future.

So those I think Mr. Commissioner are the highlights. I think simply to say in summary that the national task force report is intended to be at least a call for a blueprint for the future, it hopes to offer some suggestions in that area, it offers a statement of 8 national goals and a financial framework and it says that its time really for the major agencies and levels of this country to come together around a common plan and a common vision. It is now before the sport community and the government for their response because I should underline that this is not a government report, it was a government Commission task force but it was independent.

The report has a preamble by the minister offering it up if you will to the sport community in the provinces and it is now before those stake holders to respond and indeed the federal government itself in due time will respond to this report as to what it finds within it to be of wisdom.

All right. Now, I would like to move along and ask you some questions about the international development in drugs, use of drugs by athletes, or anti-doping during the past 20 years. I think the Commissioner and counsel will find your document headed Submission, Ministry of State for Fitness and Amateur Sport, Doping and Sport International Developments to be of some assistance in that. Could we then have that, sir, marked as exhibit 17.

THE REGISTRAR: Number 17 Mr. Commissioner.

THE COMMISSIONER: Thank you.

--- EXHIBIT NO. 17: Document headed Submission,

Ministry of State for Fitness and Amateur Sport, Doping and Sport International Developments

MR. ARMSTRONG:

Q. Now this document, Mr. Makosky, that you

and your staff have prepared sets out as it were some of the highlights since about 1935 and why don't you again simply summarize for us what is here and perhaps you could not only summarize but, where its appropriate, I will ask
5 you to give us some more detail because everything that you have said up until now is obviously very important but this is where now our focus lies. So, would you please take us through this document?

A. Thank you. First of all I should say
10 that this is not by any means a definitive description, its meant to be indicative. It is also meant to be not a description of major doping activities or highlights in the world but rather an indication of where there were sources of anti-doping initiatives. In other words, the
15 attempt to control the problem over the years.

It is not comprehensive, it is an attempt to point to I think the areas of the world, the regions, the zones, the countries that over time showed initial leadership and then further leadership over time. This I
20 think is by way of a background in terms of international anti-doping developments against which Canada entered the scene in the 1980s internationally and began its own initiatives. So, this is those initiatives that Canada by and large observes, took place over recent years.

25 I don't think its particularly probably

important to point out when various drugs were initiated or created so I won't comment on that.

Q. Well, just again though to set the scene, it might be helpful just to pause to point out your first statement that in 1935 Dr. Charles Kochokian first synthesized estosterone with apparently no particular note being taken internationally but that it was later that Dr. John Ziegler in the United States refined the synthetic testosterone reducing as you have indicated the androgenic properties and returning the anabolic action as it were, the anabolic action being the muscle building action.

Now, when did that take place. I take it that this is the point in time with when Dr. Ziegler in the USA refined synthetic testosterone that people began to sit up and take notice as it were of anabolic steroids. Am I right?

A. Yes. I should say Mr. Armstrong that I am not an expert in historical development. There will be other people who will probably give you more extensive medical but that period was in the early sixties and the creation of various derivatives of testosterone and the use of those derivatives over the years which have taken on a different characteristic I think are perhaps more properly the purview of the medical expert.

Q. And there is no question that we will be

doing that I suppose and, to use the vernacular in spades before we are through the work of this Commission, but I just didn't want it, since you are the first witness and since that information is there, to put a date on it. And
5 its somewhere in the 1960 period?

A. Yes early '60s yes.

Q. All right. Then why don't you take us through then what went on in the international scene and the anti-doping area, that is the measures being taken to
10 curb the use or prohibit the use?

A. Yes. Well the first instance we see of a substantive statement, if you will, a kind of resolution was by the Council of Europe. I noted this morning the Council of Europe is a grouping of 21 western European
15 nations which had some 8 divisions, one of which relates to sport.

In 1960 the Council of Europe tabled a resolution before the Committee of Ministers, which are foreign ministers against the use of doping substances in
20 sport. This resolution at that point in time was based on medical, ethical and moral principals, and I think today most of the anti-doping campaigns continue to be based on those concerns and considerations.

That resolution at that point I think
25 probably was one of the fore-runners of some of the

activity in Europe, although at that point in time did not lead to a specific action by the Council of Europe. I think its fair to say that where we began to see national legislation by some countries in the 60s and 70s began again in the European sphere.

In 1965 Belgium and France both initiated legislation dealing with drugs in sport. In 1971 Italy and Turkey had legislation, 1976 Greece, in 1979 Portugal.

Again, the legislation in terms of its impact is a little unclear as to whether it was really dramatic or not and that is a measure of interpretation I think by those various countries. Certainly the impact on the European theatre and on the world scene by those legislative actions did not seem to be probably as dramatic as when those same countries and others launched actual anti-doping programs in their countries as opposed to legislation.

But we see on page 2 that the IOC which is clearly a pivotal agency in all of this, formed its medical Commission. The medical Commission is a kind of umbrella committee that has several committees within it relating to different aspects of sports medicine. One of those committees relates to doping and doping controls.

It conducted, it formed a Medical Commission in '67, it conducted the first controls in 1968 at the

Mexico summer olympics and the Grenoble winter olympics. So we see in this period, late 60s on, the beginning of the IOCs leadership on the international scene.

5 I think the time tables here will shift around from page to page because I am going by zone and not always in perfect time sequence. I have noted here that in 1973 the Pan American games in Caracas, Venezuela which involved north, south and central America, including Canada, had a dramatic impact clearly on the federal
10 government on a national sport system and the Canadian Olympic Association as well.

At those games I think unexpectedly by many athletes and others there was a fairly sophisticated laboratory and testing protocol put in place by, at that
15 point, one of the leading laboratories in the world, the West German labratory headed by Manfred Donaki and the testing revealed quite a number of positive tests including 2 Canadian weightlifters. As well as those games there were a number of athletes from some countries
20 who left earlier in the games. The assumption is that when they were confronted with the potential of being tested in the final round by such, what at that point was considered to be reasonable advancement for equipment, there was a desire to not be part of that initiative.

25 MR. ARMSTRONG: To put it bluntly a desire

not to be caught I guess?

A. Yes.

Q. All right?

A. As a result of what was considered by
5 the federal government at the time shocking results, we
saw the renewal of interest in this area both in Canada
and the United States in particular in the Americas.

Its fair to say that over the years many
agencies have attempted to define doping in sport. What
10 it means, what its supposed to include and not include.
Council of Europe tables its definition in 1973, the
Deutcher Sportbund which the West German multi sport
agency relates its statement in 1977 and in most recently
in the 1980 Seoul Olympics, the IOC offered its most
15 recent working definition of doping to be used within the
olympic movement which is essentially a summary of all the
classes of banned substances, banned substances and banned
practices.

Basically the statement of policy says,
20 "Thou shalt show use..."any of these and it is that IOC
statement of doping and classification of banned substance
and practises that I think really is now, in effect, has
been for sometime really the world standard that everyone
uses to talk about, what are the aspects, the practices,
25 the substance that we are considering here when we talk

about doping in sport.

Q. So just so I have it, when you, as a professional in this area, use the word doping, you, in effect, are talking about a person who may use one of the
5 banned substances or banned drugs that appears on the banned IOC list?

A. That's correct.

Q. All right. Now, I don't want to interrupt your train of thought or flow on this and
10 sometime, and I think we may be coming to it, I want to get to the precise list and get it identified. Is this a good time to do that?

A. I think it is a good time now.

Q. All right. Then the doping list, Mr.
15 Commissioner, is in your book and, I'm sorry, I assume counsel have it separately ---

THE COMMISSIONER: I have it.

MR. ARMSTRONG: ---it is the International Olympic Committee Medical Commission definition of doping
20 and list of doping classes and methods. You have that, sir?

COMMISSIONER: I have that.

MR. ARMSTRONG: Could we have that marked as
Exhibit 18?

25 THE REGISTRAR: Number 18, Mr. Commissioner.

--- EXHIBIT 18: International Olympic Committee

Medical Commission - Definition of Doping

5 MR. ARMSTRONG:

Q. Now, I recognize, as does everybody
else, that we are going to be hearing from people whom you
would consider far more qualified than yourself to speak
in any detail of these substances but we are introducing
10 it at this point and I just want to ask you a couple of
questions about the document.

First of all, this document, as I understand
it, is a document created by the International Olympic
Committee's Medical Commission?

15 A. Yes, sir.

Q. And all of the text that appears on it
is again the International Olympic Committee's text and
this is what they say about doping?

A. Correct.

20 Q. All right.

THE COMMISSIONER: Was that for the 1988
Olympics?

THE WITNESS: Yes, sir. I should say, of
course, that the IOC, as do most countries, have various
25 other documents relating to doping control.

There is a document that relates to the practises to be used in the collection of the sample and the analysis of it.

There are documents relating to the certification of laboratories, etcetera. This is not the only, if you will, related document but it is the one that the IOC produces relating to the definition of doping which is essentially a summary of the banned substances and practises.

Q. And again, not wishing to reduce it to absurdity, but if I was an athlete in the 1988 Olympic Games and I wanted to know what the banned drugs or banned substances were that I must stay away from and this is it, this is the rule?

A. Yes, sir.

Q. As it were?

A. That's correct. There are two notes I would add to your statement. One is that because this is a description of the classes of drugs and offers up a number of typical examples as far as the IOC can ascertain, it is however important for an athlete, and this is continually indicated to the athletes through education programmes, to always confirm with their medical staff to ensure that whatever potential drug that they maybe taking for whatever reason does, in fact, not have

one of these banned classes of substances because the actual name of the drug, different pharmaceutical companies can produce different drugs with different names -- the actual name of the drug, the brand name, et cetera, may not all be listed here and so it is important for the athlete to always check.

Q. For example, if we go over, after the cover five pages, under the heading, "Anabolic Steroids," it says, "Anabolic steroids, for example"?

A. Yes.

Q. And then gives a list?

A. Yes.

Q. And then the words, "And related compounds"?

A. Correct.

Q. So that's really the issue that you are speaking to, as I understand it ---

A. Correct.

Q. ---that you can't pass the test, as it were, if you have some anabolic steroid in your system and it doesn't specifically appear on this list?

A. That's correct.

Q. I note, for example, that there are a number of anabolic steroids listed here and we will presumably be hearing from others who will tell us that

there are other known compounds.

Now, if I could just take a moment? It appears interesting that in the rule, as it were, if I could call it the rule, that the Medical Commission
5 promulgates of the International Olympic Committee under steroids, they have some textual description and then, in the second paragraph, it says;

"This class of drugs includes
chemicals which are related in structure
10 and activity to the male hormone,
testosterone, which is also included in
this banned class.

They have been misused in sport, not
only to attempt to increase muscle bulk,
15 strength and power, when used with
increased food intake but also in lower
doses and normal food intake to attempt
to improve competitiveness, will be..."

And they go on to discuss their use in
20 teenagers who have not fully developed and what some of
the side effects can be.

I am not going to ask you about that,
obviously, and you would most certainly decline to answer
but I am assuming that this again is an official
25 observation made by the Medical Commission of the

International Olympic Committee, so far as you understand it, and you have been a vice-president of Canada Olympic Association?

5 A. Yes, so far as I understood it, that is right.

Q. All right.

THE COMMISSIONER: I'm sorry, you are referring to the last paragraph, the side effects?

10 MR. ARMSTRONG: Well, I read the other paragraph and then the last paragraph in respect of the side effects, for our purposes is as important, as well. You, Mr. Commissioner, will be hearing ---

THE PRESIDING MEMBER: I just wonder what paragraph you are referring? That's the one, is it?

15 MR. ARMSTRONG: Well, the paragraph I read was the second last one but I was also referring to, in my observation to the last paragraph, yes.

THE PRESIDING MEMBER: Thank you.

MR. ARMSTRONG:

20 Q. And the side effects about stunting growth affect of the ends of the long bones and so on.

A. Mr. Armstrong, if I could just comment on the other qualifier I was going to answer to your question?

25 Q. Yes?

A. And it is the comment I mentioned this morning, it is related in part to the last page in this document that you have before you and it is the one which is titled, "Classes of drugs subject to certain
5 restrictions," which is to say that in some situations, in some games, some international federations, both in a national championship, international or whatever, may have a requirement to test for a substance which is not explicitly banned by IOC but is in a category such as
10 this. The example I gave was alcohol in shooting.

So again, one, to some degree, in a very few sports has to be careful that there are a few substances that are added to the IOC list by the sport itself. But they are very, very few.

15 Q. All right.

THE COMMISSIONER: I'm sorry, this document is actually prepared by the the Medical Commission of the IOC? Is that what this is?

20 THE WITNESS: Yes, that is correct, sir, as far as my understanding.

THE COMMISSIONER: So they set forth in their opinion the potential harm to the users? That is what I am reading it as?

25 MR. ARMSTRONG: Yes, exactly, and there is some textual comment all the way along?

THE COMMISSIONER: All right, thank you.

MR. ARMSTRONG: May I just have your
indulgence?

5 MR. ARMSTRONG:

Q. Now, one thing I confess which isn't
really terribly important to anybody else is that since I
have been involved in this work in the last few months
have continued to be confused as to exactly what the rules
10 are about drugs.

Now, I want to see if you can not help me
but help the Commissioner which is why we are here.

This is the list of prohibited drugs, so far
as the IOC is concerned, and you have told the
15 Commissioner that this was the list that was operative for
the Seoul Olympic Games?

A. Yes.

Q. Now, what about the international
federations? What about the national sports organizations
20 within Canada that you have identified? Do they have
their own rules? Do they simply adopt these rules?

I have asked you two questions which, as a
lawyer, I am not supposed to do but I am in a Royal
Commission so I guess maybe I can ask you two questions.

25 THE COMMISSIONER: Well, you had better be

more careful.

MR. ARMSTRONG:

Q. Anyway, if we can struggle with either
5 one or both of these questions?

A. With regard to the international
federations, generally speaking, all of the international
federations now also use the IOC list.

Over the years, there has been some
10 divergence of the list from federation to federation as
differs somewhat. As recent as two days ago an IOC
representative told me -- and I quote -- that the list was
now 99 percent coincidence. So there may be a few drugs
different on some international federation, but it is by
15 and large the IOC list that's the standard world wide for
all international federations. Which is not to say,
however, that all international federations test for all
substances in all events in games. Its just to say that
they might agree that these are the banned substances and
20 the standard which will be used to test for when there is
testing. There is no agreement world wide, there is no
obligation world wide to undertake testing at particular
games. The obligation is self-induced, the IOC has said
they will not hold Olympics without testing for all banned
25 substances.

Q. No, no, I understand. But we are going to get into testing at some point, and again now with you I just want to know what thou shalt not do, and I know that if in another life I become an Olympic athlete I shall not take any of these banned substances. But I also want to know if in another life I don't make the Olympic games and I happen to be competing at the international level would I be governed by these same rules?

A. That's correct. Both domestically and internationally.

The second part of your question related to Canada. Canada essentially adopts the IOC list. Our list is put out under a joint title of the Sport Medicine Council of Canada and Sport Canada, but that list is essentially the same as the IOC list. It is -- the only time it will be different is when we are perhaps slightly behind in up-dating our list because the IOC comes out with a new item to add to it. But for all intents and purposes we use exactly the same list as the IOC. So whether you are a Canadian competing in Canada or internationally, these days and in the future you are subject to being restricted from or prevented from using any of the substances in the IOC list.

Q. Well, again, this may be something that we will get from Dr. Pipe, but let's take a ridiculous

example. Suppose the IOC banned sugar, said athletes
can't consume sugar, would Canada and Sport Canada just --
and Sports Medicine Counsel of Canada, willy nilly say,
"Okay, sugar is now on the IOC list, its on our list," or
5 is there some procedure that one goes through in Canada
before we adopt the IOC list?

A. In principal we would both undertake the
procedure of reviewing it, and in adopting it we would
look at it to be sure that for whatever reason it fit with
10 the conditions of Canada. I don't know of an occasion or
can't think of an instance in general terms where we would
not accept an IOC substance. There was a good example, an
exception, however, of a year or two ago where the IOC,
through input from non North Americans -- and I won't get
15 the name right, but I can give you the example -- had put
on a ban list a substance which is essentially the main --
either it's the main component of or is actually a birth
control pill or is a main component in a birth control
pill primarily used by North Americans. And quite a
20 popular product, and rightfully so I think both the United
States and Canada made strong representation to the IOC
medical commission at a meeting in Moscow of about a year
and a half or 2 years ago, presented technical evidence to
show, in fact, that the prohibited substance was not at a
25 level that it could aid performance, and, in fact, they

were putting an undue and unfair burden on the population -- on the female population by requiring that that drug not be used, and the IOC Medical Commission found in their favour and withdrew the drug. So we wouldn't -- if sugar came on the list we'd probably have a bigger delegation than that going to the IOC medical commission.

Q. Well, that's helpful. If I'd thought of that example, I'd have used a more realistic one.

Then the National Sporting Organizations, then, in Canada, do they take their lead directly from the IOC, or do they take their lead directly from their international federation, such as, say, the Canadian Track and Field Association, would it be governed by this list directly, or would it be governed by the IAAf, simply saying to the Canadian Track and Field Association, we have adopted the IOC list of banned drugs, and ---

A. Yes.

Well, there are really 2 factors to determine what would they be "governed by", which is your verb, sir.

Any national sport body by virtue of becoming a member of an international sport body must agree to abide by the rules and procedures of the international body.

Q. Yes.

A. So it necessarily must follow such things as the list of banned substances by an international federation.

5 However, at the same time, I would say that the other important factor at play in answering your question is the fact that the Federal Government and the Sport Medical Counsel published a list, and said that this was going to be the list that would govern the anti-doping
10 policy and programme in Canada. So, well, sort of officially and technically a Canadian sport agency would have to follow the rules of the international federation in terms of knowing and ensuring that when their athletes competed internationally that they did so in concurrence
15 with the IF's or international federation's rule on banned substances, it is perhaps conceivable, if you will, that that same body could choose to undertake its own approach within a country, rather than doing the same thing as it had done -- well, doing what the requirement of the
20 international body was. It would be unlikely, but it would be perhaps possible.

 In Canada, I think, we've attempted to ensure that both bases have been covered. We don't have any sense, but that all the national sport bodies are in
25 concurrence with their international federation rules and

procedures, and in addition I think we have tried to emphasize the need to ensure that everyone is working to the same consistent standard, and, hence, have used the IOC standard, so that there is one common approach. If there's anything that's important that we have found in all of this within Canada internationally, it is that we must move towards a common consistent uniform approach in Canada and internationally, and is based upon that assumption that we have been using the IOC standard of banned substances. So both those aspects govern -- your use of the term -- the sport bodies relationship to those banned substances.

Q. All right. Then I'm going to ask you to go back to Exhibit 17 and pick it up from where I interrupted you.

A. It's about page 2?

Q. About page 2.

A. Well, in various periods in the sixties and seventies, we really saw, I think, the beginning of some nations taking action, in terms of putting in place an anti-doping programme, and most of them followed the same kind of approach, and it's indicated here they tended to have in their anti-doping program some kind of statement against the use of banned substances and methods, a list of prohibited substances and methods,

which at that point may have varied. The establishment of what are called standard operating procedures, which is to ensure that everyone in the country and every sport, if they had a program, undertook the same technical approach to collecting the urine sample and for undertaking the analysis of it. They would usually specify the details for laboratory analytical methods and for accreditation of laboratory. They would have an aspect of their program they would be tended provide information and education and some aspect dealing with penalties or sanctions. So, those tended to be the components of most nation's anti-doping programs and the history that we have observed is that the first nation to put in place such domestic or in-country anti-doping initiatives where the ones indicated, the Swiss Sports Association in 1969, the Deutscher Sportbund, which is West Germany in 1979, the Norwegian Sports Confederation in 1979, and I may say in passing that I think probably for several leaders, for several years now, the leader in the world in fight in anti-doping in almost every aspect has probably been the Norwegian Sports Confederation. The Danish Sports Federation in 1978, and the Finnish Sports Federation in 1982.

So, those were some of the countries that we saw in that period beginning to put in place those kinds

of anti-doping programs. Canada followed, of course, in 1983.

In 1984, as it says top of page 3, Mr. Commissioner, the Committee of Sport Ministers within the Council of Europe tabled and accepted the European anti-doping charter, which is essentially a document which has within it a collective agreement by the 21 European nations to voluntarily comply with certain principles and standards as regards anti-doping in their countries. It is a voluntarily charter and it basically urges them to undertake, do an appropriate means to attempt to control the drug problem in sport in their country.

I have noted in the balance of the page without particular reference to time because these agencies and these initiatives have been over various periods what we consider to be the major centres internationally where the kind of work, the kind of thinking, the kind of advocacy in anti-doping has tended to be centred. And you will see there that has primarily been centred in the European theatre, it has primarily been centred in the IOC and to some degree in late in the United States and Canada. Those tend to be the centres of the world where the most advocacy and work has been done so far.

And so I have noted that the Council of

Europe through the CDDS or simply the initials for the sport sub group of the Council, its experts group on anti-doping in sport, has been I think quite formative and seminal in producing the kind of thinking and documents and procedures and programs that have influenced the measure of anti-doping in the Council of Europe which is primarily the western European nations.

The European Sports Conference; this group I have not commented on, Mr. Commissioner, is a group of all European nations, but both west and east block. It is essentially a group of the sport authorities in those nations. And herein we bring in some of the complication I guess of how sport is organized in other countries. In western-based nations, one can see that - one sees a separation between state and government and the sport community. There is generally some kind of grouping of the voluntary sport community which has its representation internationally, as we have in Canada, with a separate agency in government relating to that sport development in that country.

However, when one looks at the socialist countries, Soviet Union, GDR et cetera, it's very difficult at times to separate state from sport. And in many cases, the Minister of Sport is also the head of the state committee for sport which is the agency that governs

and provides direction and finances the sport system in the country.

So, when we speak of the European Sports Conference as a grouping of what is considered to be non-government agencies, I have to point out that the non-government agencies are those that are advanced by western Europe which tends to be the voluntary sport community from those countries and those advanced by eastern Europe which are indicated to be the agency in those countries that are responsible for the development of sport.

And so there is a bit of a blend in this grouping of between who is government and not. And they themselves, this European Sports Conference, which, unlike the Council, is not a structured constituted body but rather a meeting of experts in sport from time to time on different subjects and has itself a special working group or committee on anti-doping and has constructed from time to time recommendations. More recently in the recent few years as not in the early sixties and seventies has not been at the forefront but in the eighties has begun to.

An example is that they conducted a seminar in Borlang, Sweden, in November, on out-of-competition testing which will be commented on later because it produced a product which will be used I think as part of

the framework for worldwide out-of-competition testing and indeed and annexed to the world charter that we have developed.

5 The third agency indicated here clearly has to be the International Olympic Committee, the Medical Commission, I think has been pivotal in the world level. It has really established the 22 IOC accredited laboratories throughout the world. There is a kind of a good news and a limited news part to this story. There is
10 no question that these 22 IOC accredited labs are the authoritative sources for technology and testing and referral research in the world. They are accredited to an extremely high standard. Its very difficult to make the standard. They are renewed on a fairly frequent basis and
15 I think they set a level of security and confidence in the testing phase throughout the world. The difficulty, of course, is that they are very expensive and that they are not accessible in major regions of the world. There are only 22. They tend to be based in North America and in
20 Europe and a little in Asia. There are none for instance, there are no IOC accredited labs in South America or Central America. There are no IOC accredited labs in Africa. There are no IOC accredited labs -- well, very little. There are none in the Middle East. There are
25 very little in Asia, currently only in Seoul, Korea

because of the Olympics and I am not sure if China currently has one or not. I think they are in the midst of. So, there are limited zones in the world for the IOC accredited labs.

5 Q. What about Canada, we have how many?

A. Canada has two IOC accredited labs.

The one in Montreal, the INRS Lab and the one at Foothills which was created for the Calgary Olympics. Generally one finds when there is Olympic games in a country, now an IOC
10 lab is created to support those games and resides as a kind of legacy, if you recall.

Both of those labs are amongst the top in the world. In fact, for many years, the Montreal lab, I think is considered to be one the leading laboratories in
15 the world in this aspect.

Q. You may not know the answer to this question, we will obviously get it from other witnesses, but when did this practice or policy of the accreditation of Olympic labs begin approximately? Is this recent or is
20 it --

A. The IOC would have specified requirements from the lab for a lab doing testing from the first time that did testing in Olympic games, which is in 1968. How those standards evolved and when they became
25 worldwide, et cetera, I don't have that information.

Q. Well, that's fine. I didn't expect that you were necessarily carrying that around with you, but in any event the IOC lab in Montreal that is accredited by the IOC, it indeed was the lab that did the testing for the 1976 games, I understand; am I right?

A. That's correct.

Q. And indeed I think that lab did the testing for, was it the 1980 winter games in Lake Placid?

A. Lake Placid, that's correct. I don't know if did all the testing. It assisted with the testing along with I think another American lab would have assisted with the testing as well.

Q. And then the Calgary lab or the Foothills lab that was accredited for the 1988 Winter Games in Calgary, was it recently accredited as an IOC lab prior to the '88 Calgary Games?

A. Yes, just before the games and in fact, of course, had to receive accreditation to be the functioning lab. As an example of the standard, if the Foothills lab had not been accredited, then the testing lab for the Calgary Olympics would likely have been done in Montreal.

Q. All right. And then in regard to the United States, how many accredited labs are there in the United States?

A. I believe there are two currently.

Q. One in Los Angeles, one in Indianapolis?

A. That's correct.

5 Q. And then what about the UK; there is one in Chelsey in London?

A. That's correct.

Q. And then as you said the others are scattered around??

10 A. Primarily in the European theatre.

Q. All right. I am sorry, I interrupted your train of thought, perhaps.

A. That's fine.

Q. Just go ahead.

15 A. Carrying on with the IOC's leadership in addition to the labs, of course they have established, as we have submitted today, the list of banned substances and practices. They have been pivotal in I think accepting the International Olympic Anti-Doping Charter, and we will
20 talk more about that in the next section. Yes, sir.

THE COMMISSIONER: May I interrupt you for a moment. In the material I was reading over last night, I came across a document called 1983 Update or something of that nature from your Department?

25 THE WITNESS: Yes.

THE COMMISSIONER: And it listed a whole series of banned drugs. Is that the same as this?

THE WITNESS: Yes, sir, it is. The banned substance list that you are referring to is likely the one that was published with regard to our '83 policy.

THE COMMISSIONER: Following the Pan American Games?

THE WITNESS: That's correct. We would have used the IOC list. The IOC list today probably has some more substances in it.

THE COMMISSIONER: That's seems to set down a very firm policy by your department?

THE WITNESS: That's correct.

THE COMMISSIONER: Do we have that document?

MR. ARMSTRONG: We have it and the plan is with Mr. Makosky is to deal with the international scene, I am cheating a little bit and getting into the --

THE COMMISSIONER: I don't want you to cheat.

MR. ARMSTRONG: Abby Hoffman's evidence.

THE PRESIDING MEMBER: I can't think of you using a worse word, Mr. Armstrong.

MR. ARMSTRONG: I will remove it from my vocabulary. Perhaps we can get the computer to take it

out as well.

In any event, these two witnesses overlap
and --

THE COMMISSIONER: I am sorry, I was just
5 thinking out loud.

MR. ARMSTRONG: No, no, no.

THE COMMISSIONER: That will that come in.

MR. ARMSTRONG: And Abby Hoffman is going
to deal with the domestic scene.

10 THE COMMISSIONER: He said something about
'83 and then skipped over it, I thought. All right.
Thank you.

MR. ARMSTRONG: And we will come back to
1983, both in his evidence and in Abby Hoffman's evidence.

15 THE WITNESS: And the third aspect in
addition to anti-doping charter, we will speak more about
that at the next section, I guess, Mr. Armstrong, is the
fact that the IOC is now indicating as recently as the
Vienna meeting of the Association of National Olympic
20 Committees and the IOC, that they are prepared to
establish an independent dope, anti-doping testing
operation which is I think a major initiative.

When we speak about in the next part about
Canada's international involvement, perhaps I will bear
25 more upon the relationship of the IOC to the area of the

charter and independent testing when I describe that.
This is, of course, a highlight of the major sources of
international leadership.

MR. ARMSTRONG: Just if we could pause

5 there. Just so you understand, Mr. Commissioner and
Counsel who are following this, understand that this is
the overview but we are going to go back and retrace a
little bit of this ground because Canada particularly in
the last three years has clearly played a signature role.
10 I don't want to give too much of a commercial for Fitness
and Amateur Sport, but we have through Fitness and Amateur
Sport played a key role so we are going to go back and
cover a little bit more of this ground. This is the
overview at this point.

15 THE WITNESS: The next one I have noted is
the Nordic Nations Agreement. This is, I think, important
from two respects. First of all I think the Nordic
nations have been in the forefront, particularly Norway
and Sweden in anti-doping initiatives and programing and
20 policy. They have very strong approaches, very strong
consistent approaches and they have formed an agreement
between those five countries which has what we will call
reciprocal testing and reciprocal penalties which allows
any nation to test another nation's athletes in their
25 country when they are there competing.

So, for instance, if there is an athlete from Sweden competing in Norway in a particular event, or indeed particular competition or indeed potentially even in a training camp, if requested by Sweden. Norway would undertake testing and would provide the results. And there is reciprocal penalties so the penalties are considered to be consistent.

So, you would have, if you will, what we think must eventually be a worldwide approach, Mr. Commissioner, that is standard testing, standard penalties, and the ability to test in various countries at a point in time by other authorities. And the Nordic Agreement I think has been in the forefront of pointing out to the world that at least on a regional basis, one can form a model where a consistent approach among governments and among countries is possible.

MR. ARMSTRONG:

Q. Can I just stop you there for a moment and just ask you a couple of more questions about the Nordic Nations Agreement at a kind of practical level and again, forgive me, because I may ask you some questions at a level of detail that's not fair to ask you. But under this agreement, can, for example, Sweden say to Norway, out of competition, unrelated to competition, we are arriving on Monday morning in Oslo and we want to test all

your canoeists on your national canoeing team, does it provide for that kind of situation or is it just an in-competition kind of arrangement.

Q. I think in principle at this point, my
5 knowledge is it is an in-competition kind of arrangement. To be sure, Mr. Armstrong, if you will allow me to at another point to check that out tonight to be sure so the that record correctly reflects this. I believe I am correct in saying that it is related to in-competition,
10 not reciprocal testing in a training situation, but I will confirm that.

Q. All right. And then staying with the Nordic or Scandinavian example, I understand that countries like Norway and Sweden, for example, if they
15 have their own athletes out of the country, for example, on athletic scholarships at American universities, one or more of those countries has been known just to arrive at an American college and test their athletes?

A. That's correct. Those countries, for
20 example, Norway have a practice of out-of -competition, short notice or as in this instance they would say no notice, testing wherever in the world and Canada, indeed arrive without any notice in another country and present themselves to the athlete and ask that the athlete be
25 available immediately for presentation and testing.

In a couple of instances, there have been some jurisdictional problems where a university has protested and the Norwegian testing team has had to accompany the athlete off campus if you will in order
5 undertake that, but they are pretty diligent about pursuing that particular aspect.

Q. Again, I have perhaps interrupted your flow, but had you finished what you wanted to say about the Nordic Nations Agreement and did you want to move
10 along?

A. Yes.

Q. All right. Please do so.

A. The next one, number 5, I think we will have much more description in the next session on Canada's
15 involvement. Simply to say that in recent years since the Ottawa Conference here -- recent years, recent months since the Ottawa Conference there has been an international working group formalized to work on the endorsement and implementation of a world anti-doping
20 charter. And that is another source, if you will, of collective leadership. It is interesting because this working group is a mix of government representatives and voluntary sport people from the sport community internationally. Perhaps I could spoke more about that,
25 Mr. Armstrong, in the next session.

Q. All right.

A. The United States Olympic Committee, of course, again I think had some considerable shock, if I may say so, in the 1983 Pan America Games in Caracas, Venezuela, and have undertaken, I think, some diligent attempts through the USOC to establish a domestic doping controls program. The USOC I think has some limitations in terms of its ability to reach comprehensively into the sport system. Because of the particular construct, as I mentioned earlier, the sport has developed significantly in United States in the school system and a large part of the advanced scholastic sport is governed at the university level and by the NCAA. And the NCAA is not an organization or a federation that falls under the authority the United States Olympic Committee. It is a non-Olympic group. And so it is only through agreement and moral suasion.

Q. Just so we will identify the NCAA is the National Collegiate Athletic Association?

A. Correct. It is only through moral suasion --

THE COMMISSIONER: You need not identify it for me, Mr. Armstrong.

MR. ARMSTRONG: Well, I thought you might need a little help, it's after four o'clock, but somebody

else may read the record.

THE WITNESS: So there is only, as I said, through really moral suasion and agreement that the USOC can urge the NCAA to undertake the type of anti-doping
5 program that the USOC would like to be, to have put in place.

As well, the United States Olympic Committee up until recently has indicated that their relationship with their members, their member Olympic sports is really
10 confined to, not unlike the Canada Olympic Association, the naming of the team members to represent their country internationally, and that therefore they can only be responsible in the final instance for that team and for the testing of those team members, and not for the
15 development of the sport within the country or for any other periods.

We have a new initiative now which will I guess stretch that role considerably because the United States has entered in principle into an agreement with the
20 Soviet Union, a reciprocal cross-testing agreement which will allow, unlike the Nordic one that we talked about earlier, that will allow out-of-competition testing in each other's countries by the other country's medical experts during sessions out of competition so that a
25 Soviet medical team could arrive in the United States and

undertake testing of US athletes on very short notice, not necessarily in competition, but in training.

Now, how all of this logistics and practices are going to work is yet to be worked out, but the principle is that it means that the national sport body which essentially controls and manages, if you will, the training and the development of that athlete, would have to have some say in that clearly. And that would mean that the United States Olympic Committee will have to undertake an arrangement with each national sport body to make them part of that system and this would be a new initiative, if you will, because the USOC has not exercised that kind of influence into the sport at this point in time.

So, it will be interesting to see where this particular aspect will go, but clearly the United States Olympic Committee as well has been a source in recent years of attempting to address this problem.

Q. Let me stop you there again.

THE COMMISSIONER: Can I ask a question. Your note is that there are negotiations between the USSR, has not been entered in the contract to an agreement or is it still in negotiations. The way you put it I got the impression an agreement would be entered into?

THE WITNESS: Yes, that's fair. They have

signed -- an in-principle agreement was signed in the Soviet Union and now into negotiations on the practicalities of how it will actually work.

THE COMMISSIONER: Thank you.

5

MR. ARMSTRONG:

Q. As a lawyer, I suppose one can think of all of the difficulties that will be related to that. I suppose it is just not that easy for either an American citizen to kind of fly to Moscow and say I am here --

10

A. That's right.

Q. -- I am from the government and I would like to test you or vice versa. And those things, I take it, are what are being negotiated now?

15

A. That's correct. Questions of visas and logistics and testing and questions which are not inconsiderable in the United States of civil rights. You know, the United States Olympic Committee has had a lot of difficulty as has the NCAA in attempting to put in place a control program with legal appeals by athletes and coaches in the system. So, they have to be very careful and they are really quite nervous about short-notice testing. So, this is in many respects a very significant move for the world and for the and -- well, for both countries, but clearly for the United States. And it will be very difficult for them to accomplish. I think that they are

20

25

owed a fair amount of praise for initiating this.

Q. Now, I don't know whether you are going to touch on this when we move to the next section, and if you are we can leave it, but if you are not, as I
5 understand it, East Germany has given some indication of a willingness to participate in this bilateral agreement between the United States and the USSR which presumably will then become a tri-lateral arrangement?

A. That's correct. This was announced
10 Manfred Ewald who is the President of the Deutscher Turn und Sport Bund which is the umbrella sport agency in the GDR that manages sport. He announced this in Vienna during the time of the meetings of the International Olympic Committee with what's called the Association of
15 National Olympic Committees, I forgot to mention it on that chart, of the various countries. And there was, as we understand it, some negotiations carried on behind the scenes that encouraged the GDR to become involved and they have stated an interest in becoming involved. That's as
20 far as we know, and we don't have details of exactly what that means.

Q. And the meeting in Vienna that you referred to just took place in early December?

A. That's correct.

Q. A little over a month ago?

A. That's correct.

Q All right.

A. The last one, if I might, Mr. Armstrong, is not written on the page and I had noted that I think at
5 certainly in the last year, last year at any rate, that I would add to this list now of the Soviet Union. There has been, I think, clearly a strong form of leadership, a greater sense of openness on this question by the Soviet Union. It was present when we had bilateral discussions
10 at a Minister-to-Minister level in the last year. It was present in Calgary when the Canadian Minister met with the socialist ministers. It was clear that the Minister of Sport, Mr. Marat Granov, of the Soviet Union, was prepared to talk opening to accept that in fact, and has made these
15 statements, that in the Soviet Union that there is a difficult problem with doping in sport. It has been his statement that this is not a matter of central policy by the Soviet sport committee. It is not the purpose or intention of the central authority, but nevertheless they
20 do have the problem and they want to address it, and they want to address it in the Soviet Union, and they want to address it internationally. And that's been I think a noticeable change in approach in the last year. And as a result, we have seen the Soviet officials to be a key
25 player in various forums. And they have been the other

half of this agreement with the United States in cross testing. They were present at the world conference here in Ottawa. They hosted the UNESCO meetings of Ministers that was really quite coincidental but they used that
5 forum I think as a major stage to talk about the question of doping in sports and anti-doping. And there is no question that the number one issue talked about by 117 nations ministers of sport and physical educational in Moscow, UNESCO meeting in December, was the question of
10 anti-doping in sport and the world charter. And the Soviet Union helped to shape the climate for that agenda and I think have increasingly shown that they are prepared to be a player. And they are member of our international working group that Canada co-chairs and they have recently
15 agreed to host the next world conference on anti-doping which would be held in September in the Soviet Union at a site to be finalized in 1989.

So, I think I would add them to the list of sources in the world where we have seen leadership in most
20 recent times.

And finally, the last page simply points out what we think have been some other sources of interesting developments not necessarily on agency basis or a country basis, but rather to point out whenever there are major
25 games held usually there is a legacy of doping control

capacity, usually as a lab as well as other experts that are left in that area in order to undertake doping control. We have seen, as I mentioned earlier, recent initiatives by the socialist ministers of sport. They have made two appeals. I'll comment on them in the next session even more so, but those two appeal statements have been quite pivotal. Their timing has been excellent in leading to two major initiatives in 1987 and '88. Nation-to-nation bilateral agreements; we have commented on the United States and the Soviet Union. GDR is interested in joining. National anti-doping legislation since and over the period since the Seoul Olympics, we have seen a number of governments that have undertaken new legislation in their country and we have noted here among others, Italy, the United Kingdom, France and the United States. This legislation has generally and essentially dealt in the areas of importation and trafficking and on the classification of drugs usually putting them into a more classified category, if I could call it that, according to the particular laws of the land and putting in place legislation regarding prescribing of these drugs in an illicit and improper manner.

So, this new legislation I think in the last several months has been quite significant.

And then, of course, as a result not just

but I think significantly following the Seoul Olympics and the developments in those games, there have been a number of international investigations and inquiries launched.

The United Kingdom, we know, has one in place being
5 conducted through the British Olympic Association. The Australia has an inquiry in place. Its terms of reference in construct not unlike your inquiry, sir, here in Canada. West Germany through the Deutscher Sport Bund and Canada itself, of course.

10 So, all of these represent I think initiatives in the last many months, in the last year, that have had significant impact on the turn of this anti-doping movement worldwide.

MR. ARMSTRONG: Mr. Commissioner, we are
15 going to go to another subject and this would be a convenient place, even though --

THE COMMISSIONER: Fine, tomorrow morning,
10 o'clock.

20 --- Whereupon the hearing adjourned until Thursday,
January 12, 1989, at 10:00 A.M.

